“The Courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequences would be the substitution of their pleasure for that of the legislative body.”

THE FEDERALIST 78
Table of Contents

From the President ............................................. Page 3
The Federalist Society’s Student Chapter Programs .............. Page 4
The Federalist Society’s Lawyers Chapter Programs ............. Page 7
National Conferences ........................................ Page 10
The E.L. Wiegand Practice Groups ............................ Page 14
The Federalist Society’s Special Projects ....................... Page 17
National Press Clippings ................................... Page 21
Publications ..................................................... Page 22
The Federalist Society’s Benefactors ............................ Page 24
Federalist Society Chapters ................................ Page 30
Audited Financial Statements ................................. Page 32
Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society. While some members of the academic community have dissented from these views, by and large they are taught simultaneously with (and indeed as if they were) the law.

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

This entails reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law. It also requires restoring the recognition of the importance of these norms among lawyers, judges, law students and professors. In working to achieve these goals, the Society has created a conservative intellectual network that extends to all levels of the legal community.

With more than 1,400 people in attendance, the Federalist Society’s 2006 Annual Dinner filled the ballroom to capacity at the Marriott Wardman Park in Washington, D.C. last November 16th during the National Lawyers Convention. The Society has developed into an organization of more than 40,000 law students, lawyers, academics, judges and others who care about the rule of law, with Student Chapters on every accredited law school campus in America and Lawyers Chapters in every major city. More than 50 of the 140 tables in the room were purchased by the Federalist Society’s Supporting Law Firms. The Dinner speaker was U.S. Supreme Court Justice Samuel Alito.
"I want to commend the [Federalist] Society for bringing together the best minds from right, left and center to debate the most pressing legal issues of the day."
—U.S. Supreme Court Justice Samuel Alito addressing the Federalist Society’s Annual Dinner, November 16, 2006.

“I love the Federalist Society... These are highly committed, intelligent, hard-working, active students who make the Harvard community better...”

“[T]he purpose of the Federalist Society was to bring together young people who had this skepticism about what they were being taught and to let them know that there were others who shared this skepticism.”
—U.S. Supreme Court Justice Antonin Scalia, at the Federalist Society’s Twentieth Anniversary Gala, November 14, 2002.

“I think one thing your organization has definitely done is to contribute to free speech, free debate, and most importantly public understanding of, awareness of, and appreciation of the Constitution. So that’s a marvelous contribution, and... in a way, I must say I’m jealous of how the Federalist Society has thrived at law schools.”
—Nadine Strossen, president of the American Civil Liberties Union (ACLU).

“The [Federalist] Society functions as a kind of perpetual law school campus with branches scattered across the country. Even though the group is growing, part of its impact is not in membership per se or outright recruitment —on which it’s never spent much more than 10 percent of its budget—but in facilitating dialogue and building the pipeline.”

“The work of the Federalist Society and others in honing conservative constitutional arguments through the years has been indispensable. There is no substitute for intellectual rigor.”

“[The Federalist Society] is not really very revolutionary, but enormously successful for those who are intellectually curious, have a strong interest in our nation’s values and institutions, and are sufficiently self-assured to want to hear the best arguments by the best advocates on all sides concerning these subjects.”
Dear Friends and Supporters:

The Federalist Society has been growing at 15-20% annually since 2003 in just about every aspect of our operations. The Society now involves over 40,000 law students, lawyers, academics, judges, and policy leaders. In terms of programs, the Society is thriving as never before. Our Student Chapters have grown at an even more dramatic rate. Last year we witnessed an increase of 43% in the number of events Student Chapters hosted and a 27% increase in attendees from the previous year. Attendance at our 2006 Student Symposium was 1,200, up from 600 just two years ago. Our Lawyers Chapters continue to develop new and effective methods to expand the reach of our ideas, and our National Lawyers Convention in Washington, DC is now drawing nearly 1,500 people.

As we approach our twenty-fifth anniversary the Federalist Society is pleased with its progress thus far. The Society is clearly making a difference in the legal culture. Those involved with the Society have played key roles in every area of the law and our programming has been on the cutting edge of important legal topics. Even Leftist academics concede that the Society is responsible for a great deal of the intellectual ferment in the legal academy. In many ways, the Federalist Society is like a young university, with the oldest of our “graduates” nearing the peak of their careers.

The Society would like to take the opportunity of its twenty-fifth anniversary not simply to celebrate having come this far and to take stock of its previous achievements, but to advance its mission in a decisive way. Accordingly, we have a special slate of twenty-fifth anniversary programming. We will be making a major effort to expand our number of active volunteers from 3,500 to 10,000 through our State Courts Project and other initiatives. As we look forward to tackling these new goals, we thank you for your help in our effort to promote principles of limited government, the separation of powers, and the rule of law.

Sincerely,

Eugene B. Meyer
President
The Federalist Society’s Student Chapter Programs

- For the first time in its history, the Federalist Society was able to establish a Student Chapter at every one of America’s 195 ABA-accredited law schools.
- More than 1,200 students attended the 25th Annual Student Symposium at Columbia Law School in February.
- In the 2005-2006 academic year, Student Chapters hosted a record 825 events, up from 600 the year before.
- With each event averaging over 50 students, in all the audience for Federalist Society Student Chapter events was more than 40,000.

Highlights of the successful 2005-2006 academic year included two speeches by U.S. Supreme Court Justice Antonin Scalia. He addressed a crowd of 500 at Pontifical Catholic in Puerto Rico on the topic of originalism, and he delivered a lecture on important issues facing the Court to 400 people at Columbia. Former Attorney General John Ashcroft’s two speeches were also very popular. Over 1,000 students attended his speech at Columbia, and 900 students attended his speech at Emory. Senator Mitch McConnell’s speech at Kentucky, Senator Orrin Hatch’s speech on the Alito confirmation hearings at Harvard and Senator John Cornyn’s speech on judicial nominations at Texas also attracted large audiences.

The Supreme Court’s decision in Kelo v. New London was announced in June of 2005, providing a fascinating, significant topic for Federalist Society student events in the subsequent academic year. Scott Bullock, the Institute for Justice attorney who argued the case before the Supreme Court, debated eminent domain abuse with legal scholars and practitioners before large crowds at Michigan, New England, Pittsburgh and Washington-St. Louis. Scott Bullock’s Institute for Justice colleagues, Dana Berliner and Clark Neily, also participated in many events at Student Chapters, providing the students a behind-the-scenes view of a Supreme Court case. Over 120 students attended their speeches about Kelo at Florida State and Suffolk. The Kelo case was one of the most popular topics of the year prompting debates on the topic at Brigham Young, Georgetown, Lewis and Clark, Northwestern, UCLA and Yale, each attracting over 100 attendees.

The ongoing War on Terror was another popular topic for Student Chapters. Berkeley Prof. John Yoo debated San Francisco Prof. Jan Honigsberg on “Enemy Combatants in the War on Terrorism” before 200 people at San Francisco. Second Circuit Court of Appeals Judge Richard Wesley spoke about the president’s powers in the War on Terror at Harvard. Virginia Prof. John Norton Moore, Georgetown Prof. Neal Katyal and former CIA official William McNair debated tactics required for the covert War on Terror before an audience of 400 at William Mitchell, John Marshall (Chicago), Minnesota and St. Thomas-Minneapolis also hosted well-attended debates focusing on legal questions relating to the War on Terror.

Northwestern University School of Law Student Chapter leadership with Federalist Society President Eugene Meyer.

Dean of Pepperdine Law School Kenneth W. Starr and Prof. John O. McGinnis of Northwestern University School of Law (a former Starr law clerk) were both popular speakers at Student Chapter events in 2006–2007.
In an effort to promote open discussion of legal issues on law school campuses, Federalist Society Student Chapters hosted debates on many other topics. Some of the more successful events included a panel at Harvard on the proper role of the Senate in Supreme Court confirmations. Two hundred students attended this panel, which featured Harvard Professors Alan Dershowitz, Richard Fallon and Charles Fried. Minnesota hosted a debate between Minnesota Professors Dale Carpenter and Michael Paulsen on the constitutionality of the Solomon Amendment. Three hundred students attended the spirited debate. At Miami, 200 people attended a panel on the future of the Supreme Court featuring Edward Whelan of the Ethics and Public Policy Center, Wendy Long of the Judicial Confirmation Network, Ralph Neas of the People for the American Way, Karen Pearl of the Planned Parenthood Federation of America and Donna Shalala of the University of Miami.

### Selected Student Chapter Speakers

<table>
<thead>
<tr>
<th>Name</th>
<th>Institution/Title</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Alexander Acosta</td>
<td>U.S. Attorney, Southern District of Florida</td>
<td></td>
</tr>
<tr>
<td>Prof. Jonathan Adler</td>
<td>Case Western Reserve University School of Law</td>
<td></td>
</tr>
<tr>
<td>Hon. John Ashcroft</td>
<td>Former U.S. Attorney General</td>
<td></td>
</tr>
<tr>
<td>Prof. John Baker</td>
<td>Louisiana State University Law Center</td>
<td></td>
</tr>
<tr>
<td>Justice W. Scott Bales</td>
<td>Arizona Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Prof. Randy Barnett</td>
<td>Boston University School of Law</td>
<td></td>
</tr>
<tr>
<td>Michael Barone</td>
<td>U.S. News and World Report</td>
<td></td>
</tr>
<tr>
<td>Hon. Bob Baret</td>
<td>Former U.S. Congressman</td>
<td></td>
</tr>
<tr>
<td>Judge Alice Batchelder</td>
<td>U.S. Court of Appeals, Sixth Circuit</td>
<td></td>
</tr>
<tr>
<td>Steven Biskupic</td>
<td>U.S. Attorney, Eastern District of Wisconsin</td>
<td></td>
</tr>
<tr>
<td>Clint Bolick</td>
<td>Alliance for School Choice</td>
<td></td>
</tr>
<tr>
<td>Jennifer Brescans</td>
<td>U.S. Commission on Civil Rights</td>
<td></td>
</tr>
<tr>
<td>Rachel Brand</td>
<td>U.S. Assistant Attorney General, Office of Legal Policy</td>
<td></td>
</tr>
<tr>
<td>Hon. Ed Bryant</td>
<td>Former U.S. Congressman</td>
<td></td>
</tr>
<tr>
<td>Scott Bullock</td>
<td>Institute for Justice</td>
<td></td>
</tr>
<tr>
<td>Judge Jay Bybee</td>
<td>U.S. Court of Appeals, Ninth Circuit</td>
<td></td>
</tr>
<tr>
<td>Prof. Steven Calabresi</td>
<td>Northwestern University School of Law</td>
<td></td>
</tr>
<tr>
<td>Hon. Paul Clement</td>
<td>Solicitor General of the United States</td>
<td></td>
</tr>
<tr>
<td>Ward Connelly</td>
<td>American Civil Rights Institute</td>
<td></td>
</tr>
<tr>
<td>Senator John Cornyn</td>
<td>U.S. Senator, Texas</td>
<td></td>
</tr>
<tr>
<td>Justice Marna D. Corrigan</td>
<td>Michigan Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Justice N. Patrick Crooks</td>
<td>Wisconsin Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Hon. Ted Cruz</td>
<td>Texas Solicitor General</td>
<td></td>
</tr>
<tr>
<td>Prof. Alan Dershowitz</td>
<td>Harvard Law School</td>
<td></td>
</tr>
<tr>
<td>Justice Brent E. Dickson</td>
<td>Indiana Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Justice Robert Edmunds</td>
<td>North Carolina Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Prof. Richard Epstein</td>
<td>The University of Chicago Law School</td>
<td></td>
</tr>
<tr>
<td>Steve Forbes</td>
<td>Former Presidential Candidate</td>
<td></td>
</tr>
<tr>
<td>Prof. Charles Fried</td>
<td>Harvard Law School</td>
<td></td>
</tr>
<tr>
<td>John Fund</td>
<td>The Wall Street Journal</td>
<td></td>
</tr>
<tr>
<td>Prof. Nicole Garnett</td>
<td>Notre Dame Law School</td>
<td></td>
</tr>
<tr>
<td>Prof. Rick Garnett</td>
<td>Notre Dame Law School</td>
<td></td>
</tr>
<tr>
<td>Todd Gazzano</td>
<td>The Heritage Foundation</td>
<td></td>
</tr>
<tr>
<td>Chief Judge Douglas Ginsburg</td>
<td>U.S. Court of Appeals, D.C. Circuit</td>
<td></td>
</tr>
<tr>
<td>Hon. Trey Grayson</td>
<td>Kentucky Secretary of State</td>
<td></td>
</tr>
<tr>
<td>Judge Thomas Griffith</td>
<td>U.S. Court of Appeals, D.C. Circuit</td>
<td></td>
</tr>
<tr>
<td>Judge Raymond Guenther</td>
<td>U.S. Court of Appeals, Eighth Circuit</td>
<td></td>
</tr>
<tr>
<td>Kevin J. Hasson</td>
<td>The Becket Fund for Religious Liberty</td>
<td></td>
</tr>
<tr>
<td>Senator Orrin Hatch</td>
<td>U.S. Senator, Utah</td>
<td></td>
</tr>
<tr>
<td>Hon. Asa Hutchinson</td>
<td>Former U.S. Congressman</td>
<td></td>
</tr>
<tr>
<td>Ambassador Mohammad Istrabadi</td>
<td>Iraqi Ambassador to the U.N.</td>
<td></td>
</tr>
<tr>
<td>Justice James Johnson</td>
<td>Washington State Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Judge Edith Jones</td>
<td>U.S. Court of Appeals, Fifth Circuit</td>
<td></td>
</tr>
<tr>
<td>Judge Michael Kanne</td>
<td>U.S. Court of Appeals, Seventh Circuit</td>
<td></td>
</tr>
<tr>
<td>Gregory Kattas</td>
<td>U.S. Deputy Assistant Attorney General, Civil Division</td>
<td></td>
</tr>
<tr>
<td>Prof. Doug Kmiec</td>
<td>Pepperdine University School of Law</td>
<td></td>
</tr>
<tr>
<td>Judge Alex Kozinski</td>
<td>U.S. Court of Appeals, Ninth Circuit</td>
<td></td>
</tr>
<tr>
<td>Justice Stephen Markman</td>
<td>Michigan Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Judge Michael McConnell</td>
<td>U.S. Court of Appeals, Tenth Circuit</td>
<td></td>
</tr>
<tr>
<td>Senator Mitch McConnell</td>
<td>U.S. Senator, Kentucky</td>
<td></td>
</tr>
<tr>
<td>Prof. John McGinnis</td>
<td>Northwestern University School of Law</td>
<td></td>
</tr>
<tr>
<td>Hon. David McIntosh</td>
<td>Former U.S. Congressman</td>
<td></td>
</tr>
<tr>
<td>Michael Medved</td>
<td>Author and Syndicated Radio Talk Show Host</td>
<td></td>
</tr>
<tr>
<td>Hon. Edwin Meese III</td>
<td>Former U.S. Attorney General</td>
<td></td>
</tr>
<tr>
<td>Prof. John Norton Moore</td>
<td>University of Virginia School of Law</td>
<td></td>
</tr>
<tr>
<td>Judge Diarmuid O'Scannlain</td>
<td>U.S. Court of Appeals, Ninth Circuit</td>
<td></td>
</tr>
<tr>
<td>Judge Charles Pickering</td>
<td>Retired U.S. Court of Appeals, Fifth Circuit</td>
<td></td>
</tr>
<tr>
<td>Roger Pikion</td>
<td>Cato Institute</td>
<td></td>
</tr>
<tr>
<td>Judge William H. Pryor Jr.</td>
<td>U.S. Court of Appeals, Eleventh Circuit</td>
<td></td>
</tr>
<tr>
<td>Rod Rosenstein</td>
<td>U.S. Attorney, District of Maryland</td>
<td></td>
</tr>
<tr>
<td>Justice Antonin Scalia</td>
<td>U.S. Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Phyllis Schlafly</td>
<td>Eagle Forum</td>
<td></td>
</tr>
<tr>
<td>Judge David Sentelle</td>
<td>U.S. Court of Appeals, D.C. Circuit</td>
<td></td>
</tr>
<tr>
<td>Chief Justice Randall T. Shepard</td>
<td>Indiana Supreme Court</td>
<td></td>
</tr>
<tr>
<td>Judge Lawrence Silberman</td>
<td>U.S. Court of Appeals, D.C. Circuit</td>
<td></td>
</tr>
<tr>
<td>Rep. Michael Sodrel</td>
<td>U.S. Congressman, Indiana</td>
<td></td>
</tr>
<tr>
<td>Christina Hoff Sommers</td>
<td>American Enterprise Institute</td>
<td></td>
</tr>
<tr>
<td>Dean Kenneth Starr</td>
<td>Pepperdine University School of Law</td>
<td></td>
</tr>
<tr>
<td>Prof. Margaret D. Stack</td>
<td>Department of Law, U.S. Military Academy, West Point</td>
<td></td>
</tr>
<tr>
<td>Judge Deannell Reece Tacha</td>
<td>U.S. Court of Appeals, Tenth Circuit</td>
<td></td>
</tr>
<tr>
<td>Judge Timothy Tymkovich</td>
<td>U.S. Court of Appeals, Tenth Circuit</td>
<td></td>
</tr>
<tr>
<td>Judge Clifford Wallace</td>
<td>U.S. Court of Appeals, Ninth Circuit</td>
<td></td>
</tr>
<tr>
<td>M. Edward Whelan III</td>
<td>President, Ethics and Public Policy Center</td>
<td></td>
</tr>
<tr>
<td>Prof. John You</td>
<td>University of California, Berkeley, Boalt Hall School of Law</td>
<td></td>
</tr>
</tbody>
</table>

Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit drew a crowd of more than 300 at Loyola New Orleans when she spoke on “Interpretation of International Law in the U.S.”

Timothy Tymkovich spoke at Colorado and Harvard and participated in a panel on the citation of foreign law by American courts at New Mexico. Eleventh Circuit Judge William Pryor spoke at Northwestern and Notre Dame. In May of 2006, Chicago hosted a panel of Circuit Court of Appeals judges to address the topic of “The Judiciary and the Academy.” This panel featured D.C. Circuit Judge David Tatel, Sixth Circuit Judge Diana Mott, Tenth Circuit Judge Michael McConnell and Chicago Professor Geoffrey Stone.

Prof. Doug Kmiec of Pepperdine Law was one of the most sought after speakers by Student Chapters in the 2006-2007 academic year. He spoke at Texas, UCLA, Stanford, Duke, Northwestern, Chicago-Kent, Northern Illinois, Chapman and Marquette.

Other notable Student Chapter speakers during the 2005-2006 academic year included former Attorney General Edwin Meese, who spoke at Richmond and William and Mary, Iraqi Ambassador to the U.N. Mohammad Istrabadi, who spoke at Cardozo, U.S. Solicitor General Paul Clement, who spoke at Miami and Stanford and author and syndicated radio talk show host Michael Medved, who spoke at Gonzaga, Idaho and Seattle. The enthusiastic Student Chapter leaders hosted many other prominent speakers, captivating speeches and animated debates in 2005–2006, making it the most successful year in the history of The Federalist Society.
THE FEDERALIST SOCIETY’S LAWYERS CHAPTERS PROGRAMS

• In FY 2006, the Lawyers Chapters held a record 264 events.
• Over 18,000 attended Lawyers Chapters events, averaging about 70 attendees per event. Over 90 events drew between 50-100 attendees, with over 40 events drawing over 100.
• The Lawyers Chapters in 65 cities across the nation are the cornerstone of activity in the Lawyers Division. The constant high quality of programming in the local chapters is crucial to maintaining a strong community presence.

Several chapters hosted U.S. Supreme Court Justice Antonin Scalia this year. The Minnesota Lawyers Chapter hosted a reception for Justice Scalia in September at the University of St. Thomas School of Law. The reception included distinguished members of the bar, members of the federal and state bench, U.S. Attorney Rachel Paulose and several elected officials including Secretary of State Mary Kiffmeyer and State Senator Michele Bachmann. The Chapter celebrated Justice Scalia’s 20th anniversary on the Supreme Court. The San Diego Chapter also enjoyed a visit by the Justice in August. The Hartford Chapter co-sponsored a talk with Justice Scalia in April. The morning reception was attended by a standing room only crowd of over 120 Federalist lawyers and law students. The Chapter enjoyed an open Q&A session with Justice Scalia after his remarks. The St. Louis Lawyers Chapter also hosted Justice Scalia. The visit included a luncheon for the Bar Association of Missouri with 1,200 lawyers in attendance, an evening reception at Southeast Missouri State University with close to 1,500 in attendance and a private reception for Federalist Society members with over 120 in attendance.

Several chapters hosted United States Solicitor General Paul Clement, who offered his thoughts on the recently completed 2005-06 Supreme Court term, while previewing cases on the fall docket. In Atlanta, Chicago, Milwaukee, Philadelphia and San Francisco, the Solicitor General attracted audiences of over 100 attorneys. Former U.S. Solicitor General Ted Olson delivered his annual speech reviewing the past term of the Supreme Court before over 500 Washington, D.C. attorneys in July. Alabama Solicitor General Kevin Newsom offered a Supreme Court round-up to Birmingham lawyers, as did Greg Coleman of Weil, Gotshal & Manges to the Dallas Chapter. The Houston Chapter held its annual Supreme Court roundtable with Fifth Circuit U.S. Court of Appeals Judge Jerry Smith, Greg Katsas of the U.S. Department of Justice and University of Texas Professor Ernie Young. About sixty attorneys and summer associates attended the program. The Columbus Chapter hosted its State Solicitor, Douglas Cole, who offered an overview of the recent Supreme Court term and discussed the impact of new Chief Justice John Roberts.

Several chapters held special events throughout the year. The Sacramento Chapter hosted a tribute to its recently deceased board member, Justice Robert Puglia, with special guests Former U.S. Attorney General Edwin Meese, U.S. Court of Appeals Judge Janice Rogers Brown and former California Governor Pete
Wilson. Over 250 attended the gala dinner. Several of
the speakers centered their remarks on the theme “The
Constitution, the Role of Judges and the Rule of Law.”

The Boston Chapter held its seventh annual
Shakespeare program, featuring a one-hour staged
reading of Julius Caesar. The event, hosted by for-
mer U.S. Attorney General Richard Thornburgh, and
moderated by Megyn Kendall of Fox News, featured
many prominent Boston attorneys, public officials,
judges and opinion leaders performing key scenes from
Shakespeare’s classic depiction of the abuse of executive
power, political assassination and intrigue. Participants
included: Federal Judge Douglas Woodlock as Brutus,
former U.S. Attorney Wayne Budd as Caesar, Supreme
Court Justice Judy Cowin as Calpurnia, Federal Judge
Rya Zobel as Marc Antony, Boston Chapter chairman
Dan Kelly as Cassius, First Amendment lawyer Harvey
Silverglade as Cinna and U.S. Civil Rights Commissi-
oner Jennifer Bracer as the Soothsayer. After the
play, a discussion on “Caesar, Bush and the Limits
of Executive Power” was led by Harvard University
Professors Harvey Mansfield and Juliette Kayyem.
Over 450 attended the performance and discussion.

The NSA terrorist surveillance program was a
popular subject in 2006 with Lawyers Chapters, as
they debated the national security versus civil liberties
implications of this program. The Chicago Chapter
hosted Prof. Richard Epstein of the University of Chi-
cago School of Law. He spoke on the topic “Peek and
Ye Shall Find? Constitutional Policy Implications of the
Foreign Intelligence Surveillance Act,” before a crowd
of about 80 Chicago attorneys. He offered thought-
provoking remarks on textual limitations on executive
power and how those issues have worked out in practi-
cal politics with regard to the Bush Administration’s
terrorist surveillance policies. On the same topic, the
New York City Chapter hosted Baker & Hostetler
attorney David Rivkin and Cato Institute scholar Bob
Levy, who continued a debate they engaged in called
“Five Questions” that was featured on the Federal-
ist Society’s web page. The Philadelphia Chapter
also hosted David Rivkin, who debated Larry Frankel
of the ACLU. The San Diego Chapter co-hosted a
debate between Prof. Michael Ramsey of the Univer-
sity of San Diego Law School and Candace Carroll of
the ACLU on the surveillance program. Prof. Robert
Turner of the Center for National Security Law at the
University of Virginia discussed the same issue with the

Cleveland Chapter. Other chapters, including Ho-
uston, Minnesota, Los Angeles and Phoenix, hosted
Prof. John Yoo of University of California, Berkeley,
Boalt Hall School of Law, who discussed his thoughts
on presidential powers in times of war and his reflec-
tions on his tenure working in the Bush Administration.

Among the most discussed issues was the nomi-
nation of Samuel Alito to the United States Supreme
Court. Several Chapters participated in a series of
programs debating judicial activism versus judicial
restraint and the issues involved in the Alito nomi-
nation and the role of the courts. Ron Cass of the
Committee for Justice spoke to the Orlando Chap-
ter on this issue, as did Michael Carvin of Jones Day
to the Pittsburgh Chapter. Time Warner Senior
Vice President and former Alito clerk Adam Ciongoli
spoke to chapters in Cleveland, Michigan and New
Jersey. Former Congressman Bob Schaffer spoke to the
Colorado Chapter. Wendy Long of the Judicial
Confirmations Network spoke in Little Rock and
Lincoln, while Ed Whelan, the President of the Ethics
and Public Policy Center, spoke in Philadelphia and
Charlotte. Curt Levey, General Counsel of the Com-
mittee for Justice, appeared in Richmond. Rachel
Brand, the Assistant Attorney General for the Office of
Legal Policy at the U.S. Department of Justice, offered
her assessments of the judicial confirmations of Justice
Alito and Chief Justice John Roberts to the Houston
Chapter. She also spoke in Cleveland, New Orleans
and Pittsburgh. The Washington, D.C. Chapter
hearing from Stephen Schmidt, the former Counselor to Vice President Cheney, who offered his reflections on the successful confirmation of Justice Alito.

Assessing the legacy of the Rehnquist Court also occupied the time and attention of a number of Lawyers Chapters. Several held panel discussions with former Supreme Court clerks and legal scholars. The Milwaukee Chapter co-hosted a national conference with the Federalism & Separation of Powers Practice Group featuring Supreme Court Justice Antonin Scalia, current U.S. Solicitor General Paul Clement, and former U.S. Solicitor General Theodore Olson, among many others. Over 350 lawyers and students attended this conference which is highlighted on Page 20. Chicago lawyers heard from former Texas Solicitor General Ted Cruz and Prof. Rick Garnett of Notre Dame Law School, both former Rehnquist clerks, along with Illinois Solicitor General Gary Feinerman, a former clerk to Justice Anthony Kennedy. About 90 attended this dinner. The Sacramento Chapter hosted Chapman University School of Law Prof. John C. Eastman and Boalt Hall School of Law Prof. Howard A. Shelanski, both former Supreme Court clerks. The St. Louis Chapter hosted former Attorney-Advisor in the Office of Legal Counsel at the U.S. Department of Justice Robert T. Haar, who discussed his experi-

**Judge Diarmuid F. O'Scanlanain, U.S. Court of Appeals for the Ninth Circuit, spoke on the Legacy of the Rehnquist Court before the Atlanta Lawyers Chapter in May.**

As Congress debated whether to reform immigration policy, several Chapters weighed in on the debate through many programs on proposed reforms. The New York City Chapter hosted a spirited debate before over 100 attorneys between Tamar Jacoby, Senior Fellow at the Manhattan Institute, and Marti Dinerstein, the President of Immigration Matters. They discussed the question “Does Our Immigration Policy Hurt the War on Terrorism?” Ed Gillespie, former chairman of the Republican National Committee, discussed proposed reforms before more than 200 Washington, D.C. lawyers. The Baltimore Chapter convened a panel discussion on “Gangs and Immigration.”
The Federalist Society's 2006 National Lawyers Convention, which took place last November at the Mayflower Hotel in Washington, D.C., was once again the showcase event of the organization's year. More than 1,500 members and friends of the Society attended one or more events during the 2006 convention. The theme, “Limited Government,” was reflected in numerous speeches, panels, debates and discussions.

The highlights of the three-day event were the annual Barbara K. Olson Memorial Lecture given Friday evening to a packed house by Vice President Richard Cheney and the Federalist Society's Annual Dinner on Thursday evening which was addressed by not one but two U.S. Supreme Court Justices. The first part of the annual dinner program was the Federalist Society’s commemoration of Justice Antonin Scalia’s twenty years on the Supreme Court. Justice Scalia’s ties to the organization go back to its founding in 1982. A long-time friend of the Society, Justice Scalia was joined by his wife, Maureen and their nine children for a standing ovation in honor of his service to the nation on the high court.

The featured dinner speaker of the evening was newly confirmed U.S. Supreme Court Justice Samuel Alito who discussed, somewhat humorously, the confirmation process and the proper role of judges. He also praised the Society for bringing the best minds from right, left and center to debate the most pressing legal issues of the day. The dinner has developed into a major event for the legal community drawing more than 1,400 people.

Governor Haley R. Barbour of Mississippi; Michael Chertoff, U.S. Secretary of Homeland Security; Senator John McCain of Arizona; Senator Arlen Specter of Pennsylvania, and Karl Zinsmeister, Domestic Policy Advisor to the President, all delivered addresses to the convention.

The Convention’s more than 25 events, featuring more than 100 speakers, were sponsored by the Society’s fifteen Practice Groups, which strive to make the gathering as intellectually stimulating as possible by including strongly opinionated speakers with diverse viewpoints. Standing-room-only crowds were present in many of the sessions, some of which were taped by C-SPAN and covered by the national media.

Convention participants included professors from prominent law schools, federal appellate court judges from seven different circuits, several administration officials, leading journalists, and prominent think tank leaders, as well as attorneys from across the country.

Other notable speakers at the 2006 Convention included: U.S. Solicitor General Paul Clement; Judge Frank Easterbrook, U.S. Court of Appeals for...
the Seventh Circuit; Judge Edith Jones, U.S. Court of Appeals for the Fifth Circuit; Former U.S. Solicitor General Theodore Olson; Prof. Charles Fried of Harvard Law School; William Kristol of the Weekly Standard; former Acting U.S. Solicitor General Walter E. Dellinger; Judge William Pryor Jr., U.S. Court of Appeals for the Eleventh Circuit; Phyllis Schlafly of Eagle Forum; Judge A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit; Judge Carlos Bea, U.S. Court of Appeals for the Ninth Circuit; U.S. Congressman Jeffrey Flake of Arizona; Prof. Richard Epstein of the University of Chicago School of Law; and Anthony Romero of the ACLU.

**Student Symposium**

The Federalist Society’s twenty-fifth annual National Student Symposium on “International Law and the United States Constitution” was a spectacular success. The Symposium took place in February at Columbia University Law School in New York City. This program brought together more than 1,200 top academics, policy experts and mostly students from across the country, representing 133 different law schools. Overall, this was an increase of 300 participants from last year. Attendance for the Symposium has doubled over the last two years. For a number of years attendance at the Symposium was roughly 600. Last year the Symposium at Harvard Law School drew 900. This year attendance went up to 1,200.

Panel topics included: the possibility of an international rule of law, the use of foreign materials in domestic constitutional interpretation, constraints of international law on the War on Terror, the power of the Executive and the enforceability of foreign judgments. Speakers and panelists included: U.S. Ambassador to the United Nations John Bolton; Judge Frank Easterbrook, U.S. Court of Appeals for the Seventh Circuit; Judge Dennis Jacobs, U.S. Court of Appeals for the Second Circuit; Judge William Pryor Jr., U.S. Court of Appeals for the Eleventh Circuit; Judge A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit, and Judges Diarmuid O’Scannlain and Alex Kozinski, both of U.S. Court of Appeals for the Ninth Circuit.

Distinguished speakers from the legal academy included: Prof. John McGinnis of Northwestern University School of Law; Prof. Jeremy Rabkin of Cornell University; Prof. Akhil Amar of Yale Law School; Prof. John Yoo of University of California, Berkeley, Boalt School of Law; Prof. John Harrison of University of Virginia Law School; Prof. Michael Ramsey of San Diego Law School; Prof. Martin Flaherty of Fordham Law School; Prof. Steven Calabresi of Northwestern School of Law; and Prof. Gerald Neuman of Columbia Law School.

Ambassador Bolton gave a post-luncheon address to a tightly packed audience. He analyzed the United States’ decision to withdraw from the ABM treaty of 1972, which he said had produced a good outcome even though, at the time, the decision had caused gnashing of teeth among many
international lawyers. He concluded with remarks about the United Nations and the oil-for-food and other scandals which he believes have reduced the organization’s reputation and effectiveness.

**Student Leadership Conference**

Another indication of Student Division success has been the growth of the Student Leadership Conference held in Washington, D.C. each July. In two intensive days the Society covers the cost to bring all our incoming chapter presidents for a crash course on how to run a successful chapter. They also hear from inspiring legal legends and meet other Society student leaders from all over the country—friends with whom they can consult during the school year. We attribute some of the remarkable progress of our chapters in the last couple of years to these meetings. Most of the 195 accredited law schools in the U.S. sent student participants to this year’s conference which took place the weekend of July 14–16. Students heard from Judge Janice Rogers Brown of the U.S. Court of Appeals for the D.C. Circuit and Federalist Society co-founders former Congressman David McIntosh and Prof. Steven Calabresi of Northwestern University School of Law. The sessions of the conference focused mainly on helping students learn the nuts and bolts of running a successful chapter at their law school. The weekend included a reception at the U.S. Supreme Court where the students mingled with members of the D.C. legal community including U.S. Supreme Court Justice Antonin Scalia.

**Faculty Conference**

The 2006 Faculty Conference in January in Washington, D.C. marked the eighth consecutive year the Federalist Society has provided a unique setting for discourse and for fostering the development of quality scholarship among professors with an interest in traditional legal principles.

This year, panels ranged from “Is Federalism Over After *Raich*?” to “International Law: How Present in Our Law?,” “Conservative Non-Originalist Approaches to Constitutional Interpretation,” and “The Solomon Amendment: May Congress Demand that Universities
that Get Federal Funds Allow Military Recruiting on Campus?” There were also twelve papers presented by various professors on an array of topics, from the death penalty for minors to admissibility thresholds for foreign law in domestic cases. Seventy-five professors attended.

Fostering the development of quality scholarship among professors with an interest in traditional legal principles. The Society believes that an opportunity for these professors to exchange ideas and scholarship with each other will facilitate the intellectually serious discussion we hope to promote and advance traditional legal principles in the legal academy and beyond. This conference is a crucial effort because legal academia is at the forefront of political correctness in the law. The Faculty Conference helps energize those professors most dedicated to offering students a strong counter to political correctness. Apart from the major conference, the Federalist Society continues to facilitate frequent discourse between faculty members. An increasing number of faculty members are also involved in our Practice Groups.

Feedback from the attendees continues to affirm the immense value of this conference for the scholars. Specific results from earlier conferences are already showing up in terms of articles, which were greatly improved by the feedback. These annual meetings energize the attendees, who must deal daily with the biases that exist in the legal academy. Most importantly, they offer the opportunity for the interchange of ideas and the review of each other’s work that is invaluable for serious young scholars.

The Federalist Society’s Faculty Conference continues to offer a unique setting for discourse,
THE FEDERALIST SOCIETY
E.L. WIEGAND
PRACTICE GROUP PROGRAMS

The Federalist Society’s 15 Practice Groups have established a proven mechanism to disseminate traditional legal ideas through events and scholarship. In 2006, as this work continued, the Practice Groups explained traditional perspectives on the law and ensured that even more people heard these views.

The Civil Rights Practice Group hosted several programs on the issue of birthright citizenship in the month of August. There were events in Austin, Dallas, and Houston dealing with proposals that have been introduced in Congress to repeal birthright citizenship for the children of undocumented persons, as well as for the children of persons other than U.S. citizens and aliens lawfully admitted for permanent residence. Section 1 of the Fourteenth Amendment provides that “[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.” In light of this provision, the programs addressed the question, “Are proposals to Repeal Birthright Citizenship by Statute Constitutional?” Panelists included Chapman University Law School Prof. John C. Eastman, U.S. Military Academy Prof. Margaret D. Stock and Mr. James C. Ho of Gibson Dunn and Crutcher. The Practice Group will likely host additional such programs in southern California in the coming year. The Practice Group, in cooperation with the Chicago Lawyers Chapter, also hosted a panel examining Title IX and its effects on athletics. The group also hosted a panel discussion on reauthorization of the Voting Rights Act that attracted a great deal of attention in anticipation of congressional action.

As highlighted in the Special Projects section on page 20, the Federalism and Separation of Powers Practice Group, along with the Lynde and Harry Bradley Foundation, hosted a one-day conference in Milwaukee in honor of William H. Rehnquist, examining his legacy as Associate Justice and Chief Justice of the U.S. Supreme Court. Conference participants included U.S. Supreme Court Justice Antonin Scalia, U.S. Solicitor General Paul Clement, former U.S. Solicitors General Theodore Olson and Walter Dellinger and several other notable scholars and public officials. The event attracted a capacity crowd of well over 350.

In September, the Corporations, Securities & Antitrust Practice Group co-hosted a conference in New York titled “Does Procedure Dominate Substance?: Of Class Actions and Pretrial Motions.” The first panel examined the standards for certifying a class in class actions. The panel was moderated by eSapience, Ltd. Chairman David S. Evans and included University of Chicago Law School Prof. Richard A. Epstein, New York University School of Law Prof. Samuel Issacharoff and Vanderbilt University Law School Prof. Richard A. Nagareda. The second panel, which considered pretrial motions to dismiss and summary judgment, included Boston University School of Law Prof. Keith N. Hylton, New York University School of Law Prof. Geoffrey P. Miller and J. Douglas Richards of Milberg Weiss & Bershad and was moderated by George Washington University Law School Prof. Jack H. Friedenthal.

The conference concluded with a lunchtime address by Boies, Schiller & Flexner Chairman David Boies.

The Free Speech and Election Law Practice Group hosted an Election Law Lecture Series of programs with the presentation of papers and discussion of felon voting, campaign finance reform, public financing of campaigns and voting fraud. Federal Election Commissioner Hans A. von Spakovsky, U.S. Election Assistance Commissioner Ray Martinez III and former FEC counsel Allison Hayward were among the participants. The Election Law series was published in Engage and will be published in the St. Thomas Journal of Law and Public Policy in the fall of 2007.
The Religious Liberties Practice Group had a very busy year, as it continued its partnership with the Pew Forum on Religion & Public Life. The practice group hosted a debate and panel discussions on conscience clauses, the death penalty, the federal partial-birth abortion ban and the right to “privacy” in Supreme Court jurisprudence. Participants included Dean Kenneth W. Starr of Pepperdine University Law School, Becket Fund for Religious Liberty Founder and Chairman Kevin J. Hasson, Alliance Defense Fund Chief Counsel Benjamin W. Bull, Center for Reproductive Rights President Nancy Northup and others.


The Administrative Law Practice Group hosted a conference at the University of Minnesota School of Law, titled “The Future of Tax Shelters,” in October. The conference brought together top tax scholars and professionals, as well as scholars from other disciplines that are thinking about tax shelters from different perspectives, to evaluate the present and future of tax shelters. The Virginia Tax Review will publish the symposium essays.

Together with the Heritage Foundation and the Criminal Law & Procedure Practice Group, the Corporations Practice Group also hosted a panel titled “The Future of the Attorney-Client Relationship in White-Collar Prosecutions” in November. The program analyzed the issues surrounding the Justice Department’s current policies and practices for investigating and prosecuting business organizations. Under current policy, corporations that agree to waive the attorney-client privilege are deemed to be “cooperating” and therefore entitled to special consideration during investigation and even sentencing. Former U.S. Attorney General Edwin Meese of the Heritage Foundation delivered the introductory remarks, and the panel included former U.S. Deputy Attorney General George J. Terwilliger III, a member of the Corporations Practice Group Executive Committee, and PepsiCo General Counsel and former U.S. Deputy Attorney General Larry D. Thompson.

The Litigation and the Professional Responsibility and Legal Education Practice Groups co-sponsored a fascinating panel discussion on “Mass Fraud in Mass Torts.” Cardozo School of Law Prof. Lester Brickman presented a paper documenting various instances where science has been manipulated by expert witnesses and plaintiffs’ counsel to portray a distorted picture of causation and defendants’ liability. He was joined in making his argument by Patrick M. Hanlon of Goodwin Proctor. Joseph F. Rice of the firm of Motley Rice argued that the legal system operated effectively to mediate competing scientific claims and asserted that discoveries of fraud only proved the efficacy of the system in sorting out the facts. Duke Law School Prof. Francis E. McGovern weighed in on the side of the existing regime. D.C. Circuit Court of Appeals Judge Douglas H. Ginsburg served as the moderator.

The Environmental Law and Property Rights Practice Group hosted a conference on reform of the Endangered Species Act. The conference examined the issue of who should bear the burdens and costs of ESA enforcement, individual landowners or society at large. The conference also examined some of the unintended consequences of

---

Kevin J. Hasson, Becket Fund for Religious Liberty Founder and Chairman, appeared regularly for the Religious Liberties Practice Group this year including in a debate on the conscience clause.

---

Edwin Williamson of Sullivan & Cromwell serves as senior advisor to the International and National Security Law Practice Group.

---
the Act. Participants included Congressman Richard W. Pombo, Department of the Interior Deputy Secretary Lynn Scarlett and former Department of Justice Official Jeffrey B. Clark. The William and Mary Journal of Environmental Law will be publishing both panels soon. The Practice Group also sponsored a panel at the Convention examining how some state attorneys general and environmentalist groups have filed suits to force the Environmental Protection Agency to regulate greenhouse gases under the Clean Air Act and charged major utilities with contributing to the “public nuisance” of global warming due to their emissions of carbon dioxide.

The Telecommunications & Electronic Media Practice Group hosted a half-day conference in May on the future of federalism in the telecommunications industry. The conference featured a keynote address by National Association of Manufacturers (NAM) President and former Michigan Governor John M. Engler, who talked about the importance of promoting competitiveness in all fields of industry and manufacturing and emphasized that a strong and vibrant telecommunications industry is vital to a healthy manufacturing sector of the economy. The governor also explained NAM’s support of federal efforts to lift obsolete state barriers to competition and its opposition to net neutrality.


The Intellectual Property Practice Group held an “Intellectual Property: Back to Basics” Conference, in Washington D.C. at Wiley Rein & Fielding, which featured two panels. The first panel, “By Any Other Name: Intellectual Property as “Property,” focused on the philosophical and practical implications of intellectual property as property. The second panel was “Modern Intellectual Property Rights: Unprecedented Growth or Unprecedented Erosion?” Members of the Intellectual Property Practice Group have joined with members of other organizations aimed at protecting intellectual property rights in developing countries, creating the WIPO Coalition. As part of this initiative, IP Practice Group member Prof. Mark F. Schultz, Southern Illinois University School of Law traveled to Geneva to monitor and report on developments at the World Intellectual Property Organization’s discussion of its Development Agenda. Prof. Schultz’s reports were published at NGOWatch.org. The WIPO Coalition is committed to monitoring developments at WIPO meetings and will continue to report its progress.

The Labor and Employment Practice Group organized a panel at the National Lawyers Convention entitled “Law Firm Hiring Practices and Diversity,” which was moderated by Judge E. Grady Jolly of the U.S. Court of Appeals for the Fifth Circuit and featured Prof. Richard H. Sander of the University of California, Los Angeles School of Law; Ms. Shirley J. Wilcher, President of Wilcher Global; Stephen F Hanlon of Holland & Knight; Roger Clegg, President and General Counsel of the Center for Equal Opportunity and Michael E. Rosman, General Counsel for the Center for Individual Rights.
THE FEDERALIST SOCIETY STATE COURTS PROJECT

The Federalist Society has successfully fostered debate on legal principles and jurisprudence surrounding the federal courts since its inception in 1982. Five years ago, the Society began its efforts to encourage such discussion on the state level as well. In the fall of 2006, the Federalist Society State Courts Project launched a vigorous educational campaign to encourage discussion amongst the public, opinion leaders and the press about issues concerning the proper role of state supreme courts and state judicial selection processes—issues which have received very little attention in the past, yet are of vital importance in our constitutional system. The purpose of this effort is to provide accessible information to the press and the public that would serve as a springboard for real, meaningful debate about what is actually at stake regarding the direction of state constitutional and general legal jurisprudence.

The 2006 educational campaign consisted of three elements: 1) events in various cities throughout those states on which we have chosen to focus, 2) unique scholarship on the state of state supreme court jurisprudence written by top law professors and practicing attorneys around the country, and 3) facilitating media appearances by those scholars, attorneys, and other experts. The fall was an ideal time to begin these initiatives, as judicial elections provide a good “news peg” for focusing attention on court issues and judicial reform. In states where there were no elections, the State Courts Project began laying the infrastructure for future activity. Forty-five state liaisons have been appointed to the project and are actively working at the local level to educate and inform the public about their state supreme court’s recent decisions and the underlying election process.

The Federalist Society State Courts Project focused on five states this past fall: Washington, Georgia, Kentucky, Alabama, and Florida. White papers written by local legal experts and law professors were released in each of these states to state appellate court judges, governor’s counsels, other government officials, select corporate leadership, local policy organizations, the press and the public. These papers highlight the courts’ most recent key rulings in a user-friendly way. The Federalist Society also undertook a media project in each state to generate press about the state supreme court’s work in key areas (e.g., property rights and crime), to educate the public about the judicial election process and to foster debate about the proper role of the courts. In conjunction with the release of the white papers, media-trained legal experts who spoke on their own behalf were made available to the press for commentary on the papers and the proper role of the state supreme court. These legal experts acted as featured guests on radio, were quoted in newspapers and published op-ed articles. The white papers themselves also served as a useful resource reference for press covering the supreme court elections.

Of all the state supreme court races this election season, Washington’s was the most closely watched. With three incumbent justices facing well-funded challengers, both the press and the general public were unusually focused on the state’s highest court. The Federalist Society co-presented the only debate between the candidates before the September primary, which received extensive local television and newspaper coverage. The Society went on to sponsor two more events before the election.

Georgia is another state where the supreme court judicial race received more than the usual share of national and state attention. This was in part due to significant expenditures being made in one hotly contested race. To help generate discussion about judicial issues, the Federalist Society hired a polling firm to conduct pre-election surveys of potential Georgia voters. They tested the awareness and understanding of the process by which supreme court justices are elected as well as voters’ familiarity with the Georgia Supreme Court and its decisions. The pre-election survey also focused on voter awareness, impression and opinion with respect to judicial activism, judicial restraint and the role of the courts.

The white paper was entitled The Predictable Unpredictability of the Georgia Supreme Court and was authored by practicing attorneys Robert Barker, Holly Pierson, a practicing attorney in Atlanta, co-wrote a white paper on the Georgia Supreme Court.

Marc Ayers, a Birmingham attorney, wrote a white paper on the Alabama Supreme Court for the State Courts Project.
Holly Pierson and Ryan Teague. It paid particular attention to recent case trends in criminal and tort law, as well as cases that implicate separation of powers. The Society also hosted three events in Georgia.

The Supreme Court judicial election in Kentucky was notable because four of the seven seats were contested. The Federalist Society published a white paper entitled “Eight Ways to Sunday: Which Direction, Kentucky Supreme Court?,” which was co-authored by Paul Salamanca, law professor at University of Kentucky College of Law in Lexington, and John Bush, an attorney in Louisville. The paper paid particular attention to recent case trends in the areas of tort and contract law, as well as cases that implicate separation of powers and the right to privacy. The white paper was promoted throughout the state as a launching pad for further discussion of the role of the Kentucky Supreme Court, and the paper was featured in The Louisville Courier-Journal. As in Washington and Georgia, the Federalist Society engaged in an effort to facilitate Prof. Salamanca’s and Mr. Bush’s participation in the public discussion in Kentucky. A synthesis of the entire Federalist Society educational campaign in Kentucky appeared on the “Townhall.com” blog.

Five of the nine justices on the Alabama Supreme Court were up for election. A white paper was commissioned to address the court’s most notable decisions of the last two years. This white paper, written by practicing Birmingham attorney and former Alabama Supreme Court clerk Marc Ayers was titled Staying the Course: An Update on the Alabama Supreme Court.

Although the state of Florida has non-partisan retention elections and no judge in the history of Florida has ever lost a retention election, the 2006 Florida retention process received more attention than usual because of several recent high-profile Florida Supreme Court cases, including one where the court struck down legislatively enacted school choice reform. The Federalist Society published a white paper on the court’s recent decisions entitled The Florida Supreme Court: Judicial Activism & Judicial Self-Restraint—Some Examples, which was authored by Professors Thomas C. Marks Jr. and Pamela Buha from Stetson University College of Law in Tampa.

The Federalist Society also hosted two events to discuss issues surrounding the Florida Supreme Court. One was a debate addressing a lawsuit filed in Florida that challenged the state bar rule setting forth what can and cannot be answered by judicial candidates.

Though these five states were the central focus of the State Courts Project thus far, significant initiatives were undertaken in other states as well. Based on the success of the Georgia polling, the Federalist Society decided to survey potential Oregon voters for their views on the Oregon Supreme Court and the judicial role. As in Georgia, the Oregon poll results revealed the citizens’ disapproval of judicial activism: an overwhelming majority (84%) believes judges should interpret the law as it is written and not take into account their own viewpoints and experiences. The poll also showed that a majority (70%) have total trust and confidence in their state supreme court to make fair decisions. The Federalist Society poll results were featured in The Oregonian and the Register Guard.

The Federalist Society took initiatives to educate Colorado citizens about state court issues with the publication of a white paper on the current state of the Colorado Supreme Court written by Colorado State Senator Shawn Mitchell and titled The Colorado Supreme Court: Independence or Activism?

The impact of elections on judicial independence has also been questioned nationally by the Conference of Chief Justices. They want to determine whether judicial campaign finance, judicial speech on issues and grassroots activities such as voter guides, threaten the independence of the state judiciary. Recognizing the need to promote more dialogue on this subject across state lines, the Federalist Society organized a national event on judicial elections entitled “Are Judicial Elections a Threat to Judicial Independence? A Conversation Between State Supreme Court Justices Harold F. See and Randall T. Shepard,” which
took place at the National Press Club in Washington, D.C. Timed exactly two weeks before the general election, this event drew significant interest from the press, including a live broadcast on C-SPAN. A streaming video of the national debate is available for viewing on the State Courts Project page of The Federalist Society website www.fed-soc.org.

Overall, the State Courts Project has sparked a level of dialogue in the local press that has rarely, if ever, taken place before. In particular, these activities facilitated a far more serious public debate during this fall's judicial election process.

**International Law and Sovereignty Project**

The concept of sovereignty is inextricably intertwined with the Western tradition of the Rule of Law. Countries historically have been free to establish their own laws without interference. In recent years, however, foreign and international sources of law have begun to be involved as a vehicle for creating and enforcing new limiting principles on the concept of sovereignty.

In 2002, the Federalist Society established its International Law and Sovereignty Project. The project's activities include attending and reporting on the meetings of various international organizations, including UNESCO, the World Health Organization (WHO), the World International Property Organization (WIPO), and the Council on Human Rights, as well as the ongoing monitoring and reporting on the activities of many non-governmental and international organizations through NGOWatch www.ngowatch.org, a website created in partnership with the American Enterprise Institute.

As part of the project the Federalist Society has also established chapters in Paris, London, and Brussels. These chapters go far in helping to build the trans-Atlantic coalition that is necessary to maintain a vibrant dialogue about the role of international law and the idea of sovereignty.

This year has seen many successful programs hosted by the European Chapters. In September, the London Chapter, under the leadership of Bryant Edwards, hosted a program featuring Chief Justice John Roberts at the Carlton Club in London. The Chief Justice provided observations on his first year as head of the United States Supreme Court and offered a comparison between the American and the British legal systems before taking questions from the audience.

In early December, the Federalist Society’s European Chapters organized a week-long series of conferences on the topic of judicial review, which compared the American and European experiences with judicial review. A panel discussion was hosted by each of the three European Chapters. Chief Judge Douglas H. Ginsburg of the U.S. Court of Appeals for the D.C. Circuit and Boston University Law Dean Emeritus Ronald A. Cass (who now runs the Center for the Rule of Law) represented the American viewpoint at each event and various members of the European Court of Justice and national courts.
presented the European perspective. The events attracted a number of jurists and law professors.

The Federalist Society’s International Project has also been very involved monitoring the activities of various international organizations. The Federalist Society has achieved observer status at WIPO, serves on the U.S. National Commission to UNESCO and is invited to attend many of their meetings. The Federalist Society continues to send representatives to these and other meetings of international organizations as a means of monitoring activity and exposing international policy makers to our programming and scholarship. Reports of these meetings are published on the NGOWatch website www.ngowatch.org.

**Legacy of the Rehnquist Court**

On February 23, 2006, the Federalist Society hosted a day-long conference on “The Legacy of the Rehnquist Court” in the late chief justice’s hometown of Milwaukee. As mentioned on pages 9 and 14, the conference was co-sponsored and supported by the Lynde and Harry Bradley Foundation and was attended by more than 350 lawyers and students. The first panel was a roundtable of Solicitors General, and included: Paul Clement, current U.S. Solicitor General; Walter Dellinger, Acting U.S. Solicitor General under President Bill Clinton; and Theodore Olson, former U.S. Solicitor General for the George W. Bush Administration. The panel was moderated by Joseph Kearney, Dean of Marquette University Law School.

The second panel discussed “The Jurisprudence of the Rehnquist Court and the Enterprise of Judging.” Participants included Prof. Ann Althouse of the University of Wisconsin Law School; Prof. Richard Garnett of Notre Dame Law School; David Leitch, General Counsel to the Ford Motor Company and former Deputy White House Counsel and Prof. John McGinnis of Northwestern Law School. Judge Steven Colloton of the U.S. Court of Appeals for the Eighth Circuit moderated.

The keynote luncheon address was given by U.S. Supreme Court Justice Antonin Scalia and included his reflections on the jurisprudence of Chief Justice Rehnquist and their years on the court together.

**Scalia-Breyer Conversation On the Constitution**

A special event held to commemorate the Federalist Society’s twenty-fifth anniversary was a lively discussion between U.S. Supreme Court Justices Antonin Scalia and Stephen G. Breyer to an overflow crowd of 800 special invitees in Washington, D.C. last December. The discussion was co-sponsored by the Federalist Society and the American Constitutional Society. The title of their exchange was “A Conversation on the Constitution: Perspectives from Active Liberty and A Matter of Interpretation” and highlighted their two very different views on the Constitution. ABC News Supreme Court Correspondent Jan Crawford Greenburg moderated the discussion. It was aired on C-SPAN and covered by all major networks. The audio and video of the conversation between the Justices is available on our website at www.fed-soc.org.

**The Legacy of the Meese Justice Department**

In late January 2007, the Federalist Society’s next event to commemorate its twenty-fifth anniversary year took place at the Ronald Reagan Library in California and examined the legacy of the Justice Department under former Attorney General Edwin Meese. The day-long event featured two panels. The first, entitled, “The Meese Department of Justice: Its Accomplishments and Its Relevance Today,” consisted of former Meese Justice Department officials. The second, entitled “The Development of Originalism,” featured a number of scholars who reflected on trends in constitutional interpretation. In addition, the event featured a luncheon speech by former U.S. Solicitor General Theodore B. Olson and a live interview with General Meese conducted by Prof. Gail Heriot of the San Diego School of Law. The audio recording of this program is also available on our website at www.fed-soc.org.
By DAVID D. KIRKPATRICK

No Secrets Here: Federalist Society Plots In the Open

Conservative Legal Group Focuses on Judiciary to Come

Federalist Society Plots In the Open

The Roberts-Alito Court

With at least 12 nominations already on the docket, it’s clear that Robert D. Antonovich, the group’s public-affairs director, was correct when he said that the 2006 election was a “great opportunity” to confirm the group’s agenda. This was true for a variety of reasons.

One is that the new Congress is likely to take a more conservative line on judicial nominations. The Federalist Society has long been a leader in supporting judicial candidates who share its views on constitutional interpretation.

Another reason is that the group’s members are likely to have more influence over the judiciary in the coming years. The Society’s network of over 50,000 members includes law professors, lawyers, and judges at all levels of the federal courts.

Still another reason is that the group has been very successful in shaping public opinion on judicial nominations. The Society’s website, www.fedsoc.org, is a primary source of information for members of Congress on judicial nominations.

The Federalist Society for Law and Public Policy Studies is a national organization that promotes judicial independence and the rule of law. The Society’s members are committed to a judicial system that is impartial, independent, and accountable to the people.

The Federalist Society is also committed to promoting judicial independence and the rule of law through its work on judicial education and training. The Society’s annual conference is one of the largest gatherings of judges, lawyers, and law professors in the country.

The Federalist Society is a non-partisan organization that is dedicated to promoting judicial independence and the rule of law. The Society’s members are committed to a judicial system that is impartial, independent, and accountable to the people.

The Federalist Society for Law and Public Policy Studies is a national organization that promotes judicial independence and the rule of law. The Society’s members are committed to a judicial system that is impartial, independent, and accountable to the people.
The Federalist Society has always placed a high premium on its ability to present balanced debate and non-partisan information. To that end, the publications arm of the organization has grown apace with the organization itself, so that there are now three regular newsletters dealing with various legal institutions, a scholarly journal of considerable length, a member magazine, and frequent white papers on a variety of topics. The organization screens its publications rigorously for objectivity and balance, feeling an obligation to its members in law schools, the bar, the judiciary and elsewhere to provide quality material that is educational in the best sense of the word. When Society publications do take a position, readers are directed to contrary viewpoints elsewhere, in an attempt to reach meaningful balance.
**State Court Docket Watch.** This newsletter, appearing four times in the year and largely composed by members of the Society’s Chapters, reports on noteworthy trends, interesting decisions and controversial cases. The newsletter is mailed to every state appellate judge and state attorney general, many trial judges, and an extensive list of corporate general counsels. Issues covered in the past include eminent domain, same-sex marriage, product liability, preemption, standing, term limits and others.

**Class Action Watch.** Published to apprise both Federalist Society membership and the public at large of recent trends and cases in class action litigation, *Class Action Watch* has in the past reported on such items as the Class Action Fairness Act and how it was interpreted by courts, Proposition 64 and the Unfair Competition Law, and the obesity class action suit against McDonald’s Corporation.

**The Federalist Paper.** The in-house magazine of The Federalist Society, the *Paper* comes out in the winter, summer and fall. Highlighting some of the activities and events of Society Chapters, Practice Groups and individual members, the magazine is meant to give members a sense of the kind of engagements occupying particularly active chapters and Practice Groups. Each division of the Society reports on some of the more noteworthy events of the past season and includes reports on the annual Student Symposium and yearly Lawyers Convention. The State Courts and International Law Projects provide updates on their respective doings as well. The Federalist Society’s newest component, the Faculty Division, contributed in the first issue of 2007. Especially noteworthy announcements are also made as to member professional developments.
As the various charts on the inside back cover of this report demonstrate, the Federalist Society has been growing at a fast pace since 2003. This growth trend includes our revenue which reached an all time high of $7.3 million this fiscal year, an 11% increase over 2005. Increased revenue is essential if we are to sustain, and indeed, continue to build our vital network of able individuals who can participate fully in the national conversation regarding traditional legal principles in law and policy. These major accomplishments would not have been possible without the continuing financial support of those who believe in our mission, especially those who are members of the James Madison Club. Membership in the James Madison Club is open to those who contribute $1,000 or more annually to the Federalist Society. In recognition of the commitment of these individuals, foundations and corporations, a list of the current members of the James Madison Club appears below:

2006 JAMES MADISON CLUB ROSTER

Madison Club Gold
($50,000 or more)
Anonymous (2)
American Justice Partnership
Robin Arkley II
Lawrence Auriana
Lynde and Harry Bradley Foundation
Castle Rock Foundation
Coca-Cola Bottlers’ Association
Cortopassi Institute
DaimlerChrysler Corporation
Shelby Cullom Davis Foundation
Donors Capital Fund
The Earhart Foundation
Gerard Health Foundation, LLC
Gibson, Dunn & Crutcher Foundation
Frank and Sally Hanna
The Holman Supporting Foundation
The J.P. Humphreys Foundation
Hunton & Williams
IFPMA
Ewing Marion Kauffman Foundation
Charles G. Koch Charitable Foundation
David Koch
Koch Industries
The Claude Lambe Charitable Foundation
Law Enforcement Defense Fund
Robert and Diane Levy
The Lilly Endowment, Inc.
The Marcus Foundation, Inc.
Pfizer Inc
The John William Pope Foundation
Andrew Redleaf
The Sarah Scaife Foundation
Searle Freedom Trust

Madison Club Silver
($25,000 to $49,999)
Anonymous (1)
APCO Worldwide
AT&T
Michael and Lillian BeVier
Civil Justice Reform Group
The Richard & Helen DeVos Foundation
Fieldstead and Company
Pierre & Enid Goodrich Foundation
The J.M. Foundation
The F.M. Kirby Foundation, Inc.
Knights of Columbus
Philip McKenna Foundation
Microsoft Corporation
Jack Miller
Benjamin Navarro
Mitt and Ann Romney
The Rosenkranz Foundation
Raymond Ruddy
John and Carol Saeman
The Stuart Family Foundation
Verizon Communications

Madison Club Benefactors
($10,000 to $24,999)
Anonymous (5)
Aflac, Incorporated
American Tort Reform Association
Arnold Aronoff
Ceres Foundation
Chase Foundation of Virginia
Coors Brewing Company
Douglas Cox

The William E. Simon Foundation
Paul Singer
Trof, Inc.
United States Chamber of Commerce
Yancey Bros. Co.

U.S. Supreme Court Justice Samuel Alito chats with Federalist Society Executive Vice President Leonard Leo and James Madison Club Member Lawrence Auriana of New York after the Justice’s speech at the Annual Dinner.
The Federalist Society for Law and Public Policy Studies

Annual Report Fiscal Year 2006

Institutional Benefactors

DLA Piper
The Hugh and Hazel Darling Foundation
The Dell Foundation
J. Christopher Donahue
The William H. Donner Foundation
Donor’s Trust, Inc.
William Edgerly
ExxonMobil Foundation
General Motors Foundation
Greenburg Traurig
The Gulston Foundation
The Hilton Family Foundation
The Jewish Communal Fund
The Michael & Rosalind Keiser Charitable Trust
Randy Parris Kendrick
The Lakeside Foundation
The Lehrman Institute
Mayer, Brown, Rowe & Maw LLP
Merck & Company
Modzelewski Charitable Foundation
Patton Boggs LLP
The Ruth & Lovett Peters Foundation
Adam and Tara Ross
Sullivan & Cromwell, LLP

Hatton Sumners Foundation
Sheila Walpin
White & Case
Wiley, Rein & Fielding

Madison Club Sustaining Members
($5,000 to $9,999)

Akin Gump Strauss Hauer & Feld
Alston & Bird
American Council of Life Insurers
Bartlit Beck Herman Palenchar & Scott LLP
Gregory L. Barton
Wendell Bird
Roger Brooks
William Carey
Ying Chen
ChevronTexaco
CIGNA

CIGNA Foundation
Contran Corporation
Cooper & Kirk PLLC
Covington & Burling
Crown, Cork & Seal
Dickstein Shapiro LLP
Edward Diefenthal
John Donahue
Drinker Biddle & Reath LLP
Goodwin Procter LLP
Bruce Harrington
The Grover Hermann Foundation
Howrey Simon Arnold & White LLP
Jones Day Foundation
Kirkland & Ellis Foundation
Kramer Investment Corp.
The Vernon K. Kriebel Foundation
Latham & Watkins LLP
Joseph McLaughlin
Francis J. Menton, Jr.*
The Munger, Tolles and Olson Foundation
National Mining Association
Carl W. Nuesse
O’Melveny & Myers
Ogletree Deakins
Paul, Hastings, Janofsky & Walker LLP
Raytheon Corporation
Rodney Fund
The Roe Foundation
Daniel Schuchman
Nicholas Swenson
Sidley Austin LLP
Joseph and Mary Smith
Spriggs & Hollingsworth
Steptoe & Johnson LLP
Time Warner
Troutman Sanders LLP
Tyco International
Herbert W. Vaughan*
Venable LLP
The John Welch Foundation
Wilmer Hale LLP
Wilson Sonsini Goodrich & Rosati
Winston & Strawn LLP
Michael Wigley

James Madison Club members Mary Beth Buchanan and Erika Birg at the Federalist Society Annual Dinner.
Institutional Benefactors

The Federalist Society for Law and Public Policy Studies

Annual Report Fiscal Year 2006

I nstitutional Benefactors

The Federalist Society member from Minneapolis and a member of the Federalist Society's Board of Visitors, discuss current events with John Fund of OpinionJournal.com at the Annual Dinner.

MADISON CLUB SUPPORTING MEMBERS
(2,000-$4,999)

Anonymous (3)
Edward C. Anderson
Emil Arca
Thomas K. Armstrong Foundation
Jodi Balsam
J. Christopher Bartolomucci
Susan Braden
James L. Broadhead
Will Chou
Gregory S. Coleman
The G.L. Connolly Foundation
Theodore M. Cooperstein*
Paul LeRoy Crist
Nina Cunningham
Jack David
Antoinette and Paul DeCamp
Anne Eldridge
Robert J. Ernst III
Michael C. Flynn
Sandra J. Hecker
John and Lois Herrington*
Hogan & Hartson L.L.P.
Judith Jacobs*
Letty Lutzker*
Douglas Kirk Mayer
Joanne and Fred Medero
Douglas T. Nelson
D. Joseph Olson
Sar W. Orr Jr.
Wiliam and Lee Otis*
Roger Pilon
Paul E. Pisano
Potomac Counsel, LLC
Wm. Bradford Reynolds*
David B. Rivkin
Leslie Rose*
Sheldon Rose*

Shook, Hardy and Bacon, L.L.P.
Paula Stannard*
Strake Foundation
Frank B. Strickland
Peter A. Thiel
Charles Vasilius
Daniel J. Woodring
Zappala Family Foundation

MADISON CLUB MEMBERS
($1,000-$1,999)

Anonymous (1)
Alden Abbott
Douglas Anderson
John S. Baker Jr.
Clayton Robert Barker
Randi E. Barnett
James T. Barry III
Jan Coxe Berlage
George W. Bermant
Heidi Bernheim

Convention participants James Rockett, Warren Belmar, Assistant Attorney General Eileen O’Connor of the U.S. Department of Justice’s Tax Division, Judge Carlos Bea of the U.S. Court of Appeals for the Ninth Circuit, and Judge Ray Randolph of the U.S. Court of Appeals for the D.C. Circuit enjoy each other’s company at the reception following the Barbara K. Olson Lecture.

Lawrence Bernheim
Anthony Biller
Erika Birg
Stewart Birn
Francis S. Blake*
C.H. Boyle Foundation
Jennifer Braceras
David A. Brandon Foundation
Uzzell Branson
Barbara Bruin
John Stewart Bryan III*
Mary Beth Buchanan
W. Stephen Cannon
Willard Z. Carr
Anthony T. Caso
Ron Cass
Susan Cass
Ernest S. Christian
Shannen W. Coffin
Jonathan Cohn and Rachel Brand
Sean C. Connors
Charles J. Cooper
Trevor K. Copeland
Ralph Coti
Carol T. Crawford
Ted Cruz
Richard J. Cummins
Paul E. Dans
Robert C. Dinerstein
Sara Church Dinkler
Susanna Dokupil
Elizabeth K. Dorminey
Pete and Elise duPont
Bryant B. Edwards
Chris W. Ekren
William J. Emanuel
Epstein, Becker & Green PC
L. Jackson Etheridge*
James L. Ewing IV
Fred F. Fielding
Daniel R. Finley
John J. Fisher
Mark E. Foster
Theodore Frank
Tim Franzen
Christopher and Courtenay Gabriel
Curtis Gannon
William L. Garwood
Cary Gaylord
Thomas F. Gedde
Charles P. Gilliam
Robert J. Giumfra, Jr.
Elizabeth Dallas Gobeil
James L. Graham
Geoffrey L. Graybill
Gregory Grimsal
Michael and Maria Elena Hall
Eric D. Hargan*
Steve Hartung
Brent O. Hatch
Robert C. Hawk

Jack Park and W. Thomas Haynes, Executive Director of the Coca-Cola Bottlers’ Association, catch up at the National Lawyers Convention in Washington, D.C.

Shahab S. Karmely
Thomas J. Kavalier
Lawrence Keane
Orin S. Kerr
Manny Klausner
Howard Klein
Raymond J. LaJeunesse, Jr.
Grant Lally*
Kenneth K. Lee
Andrew W. Lester*
Raymond W. Leyden
Robert Lofts
Wendy Long
Gregory Maier
Donald W. Maliniak
MaryRose Manczak
Karen L. Manos
Edmund R. Manwell
Steve A. Mathews
Letty McAdams
Sean M. McAvoy
Robert D. McCallum
Simone Mele
The Federalist Society for Law and Public Policy Studies

Institutional Benefactors

Roger Milliken
Mark D. Mittleman
Hashim Mooppan
Edward A. Moritz
Richard T. Morrison
Peter Mulloney
William Mumma
Mark Nance
Richard C. Neal
Jeffrey T. Nielson
Coleman Nutter*
James O'Connell
John E. O'Neill
John C. O'Quinn
Kevin O'Scannlain
Robert C. Odle, Jr.
Thomas P. Ogden
Ian Marshall Ogilvie
Dwight D. Opperman
Donald L. Padgitt
Robert Parker
Scott M. Pearson
Eric J. Pelton
Mark A. Perry
Holly A. Pierson
Stephen D. Poss
George Priest
Alfred W. Putnam, Jr.
Alan C. Raul
Alfred S. Regnery
John L. Reynen
Richard Rideout
James F. Rill*
Bradley Robins
James M. Rockett
Ronald D. Rotunda
John L. Ryder
Christopher Saari and Sarah O'Dowd
Robert H. Scarborough
Gene C. Scharr
Peter Carey Schaumber
Donald Shawler
Robert P. Sheils, Jr.
John Simkiss
Douglas G. Smith
John A. Smyth, III
Abraham Sofaer*
John J. Soroko*
Kenneth W. Starr*
Nicholas John Stathis*
Mark O. Stern
Charles Henry Still
Roger & Susan Stone Foundation
Robert L. Strickland*
William and Genevieve Strong Foundation
Rod Sullivan
Heath Price Tarbert
Michael Thielen
Larry D. Thompson
Michael and Janet Tierney
Grey Till, Jr.
Kate Comerford Todd
Eric W. Teene
United States Steel Foundation
E. Peter Urbanowicz
G.L. Judge Verity
Vincent J. Vitkowsky
Bonnie K. Wachtel*
Michael B. Wallace
John L. Warden
Lynn D. Wardle
David Weinstein
Hill B. Wellford
Steadman H. Westergaard
James Q. Whitaker
Rando B. Wick
J. Michael Wiggins
Richard E. Wiley
Richard K. Willard*
Michael F. Williams
John Witten
Douglas H. Wood
Rebecca K. Wood
Joseph Woodford

Anonymous (2)
Gary Adams
Paul Atanasio
James Barker
Bob Barr
William Barrett
Gregory L. Barton
Warren Belmar
Bradford Berenson
Tanya Birdwell

Judge Frank Easterbrook, U.S. Court of Appeals for the Seventh District, Prof. Nicholas Quinn Rosenkranz of Georgetown University Law Center and member of the Federalist Society Board of Visitors, and Prof. Nita Farahany of Vanderbilt University Law School chat at the Convention.

Christopher A. Wray
Stephen T. Yelverton
Julius J. Zschau
Mark Brnovich
Edmund N. Carpenter
Adam H. Charnes
Jeffrey B. Clark
James A. Cooke
Michael J. Coster
John T. Delacour
Paul J. Dostart
Joe D. Edge
Stephen Erickson
John Evangelakos
George Frazza
Jerry B. Fulmer
Paul V. Gadola
Garvey Kansas Foundation
Dorothy Gray*
David S. Herrington
The Huizenga Foundation
Mrs. Noel E. Johnson
Howard J. Klein
Arthur Kniffen
Jack Kress
Marc R. Lisker
Margaret A. Little
Nobles Lowe
Brian Maas
Minke Foundation
Joseph W. Morris
Thomas C. Morrison
Peter D. Mullholland
Glen Nager
Mary B. Neumayr
Dennis Nolan
Eileen O’Connor
Charles M. Oellermann
James W. O’Mara
John J. Park, Jr.
Oscar N. Persons
Charles J. Queenan, Jr.
Robert J. Reagan
Larry Edward Ribstein

Michael R. Rosman*
Gerald E. Rupp
W. Jeffrey Schmidt
Maimon Schwarzschild
Arthur L. Scinta*
Robert M. Segal
Loren A. Smith
Paul E. Sullivan
Richard Sullivan
Jeffrey P. Taft
Clifford W. Taylor
Paul M. Terrill III
Donald G. Tober
Jobie Turner
Scott M. Univer
Roger Yurchuck

*Denotes individuals who are Founding Members of the James Madison Club.
REPORT OF INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

Board of Directors
The Federalist Society for Law and Public Policy Studies
1015 18th St., N.W., Ste. 425
Washington, DC 20036-5221

We have audited the accompanying statements of financial position of The Federalist Society for Law and Public Policy Studies as of September 30, 2006 and 2005 and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Society's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Federalist Society for Law and Public Policy Studies as of September 30, 2006 and 2005 and the changes in its net assets and its cash flows for the years then ended, in conformity with accounting principles generally accepted in the United States of America.

A Professional Corporation
Bethesda, MD
December 18, 2006

A Professional Corporation with offices in Bethesda, MD and Alexandria, VA
## The Federalist Society for Law and Public Policy Studies
### Statements of Financial Position
#### September 30, 2006 and 2005

#### Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$4,975,658</td>
<td>$2,216,747</td>
</tr>
<tr>
<td>Investments</td>
<td>1,921,003</td>
<td>1,893,387</td>
</tr>
<tr>
<td>Grants receivable</td>
<td>797,250</td>
<td>1,120,750</td>
</tr>
<tr>
<td>Contributions receivable</td>
<td>383,441</td>
<td>406,653</td>
</tr>
<tr>
<td>Other receivables</td>
<td>13,423</td>
<td>6,331</td>
</tr>
<tr>
<td>Other current assets</td>
<td>141,424</td>
<td>69,513</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>8,232,199</strong></td>
<td><strong>5,713,381</strong></td>
</tr>
</tbody>
</table>

#### Grants Receivable - Long-Term

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer equipment</td>
<td>192,190</td>
<td>149,239</td>
</tr>
<tr>
<td>Office furniture and equipment</td>
<td>90,909</td>
<td>31,553</td>
</tr>
<tr>
<td>Leasehold improvements</td>
<td>15,388</td>
<td>15,388</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>298,487</strong></td>
<td><strong>196,180</strong></td>
</tr>
</tbody>
</table>

#### Fixed Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accumulated depreciation and amortization</td>
<td>(171,388)</td>
<td>(140,280)</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>127,099</strong></td>
<td><strong>55,900</strong></td>
</tr>
</tbody>
</table>

#### Other Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>8,426,441</strong></td>
<td><strong>6,008,805</strong></td>
</tr>
</tbody>
</table>

#### Liabilities and Net Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>$347,832</td>
<td>$246,688</td>
</tr>
<tr>
<td>Deferred revenue</td>
<td>270,275</td>
<td>356,436</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>618,107</strong></td>
<td><strong>603,124</strong></td>
</tr>
</tbody>
</table>

#### Net Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>4,220,927</td>
<td>3,380,562</td>
</tr>
<tr>
<td>Temporarily restricted</td>
<td>3,577,407</td>
<td>2,015,119</td>
</tr>
<tr>
<td>Permanently restricted</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total Net Assets</strong></td>
<td><strong>7,808,334</strong></td>
<td><strong>5,405,681</strong></td>
</tr>
</tbody>
</table>

#### Total Liabilities and Net Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Liabilities and Net Assets</strong></td>
<td><strong>8,426,441</strong></td>
<td><strong>6,008,805</strong></td>
</tr>
</tbody>
</table>

---

See Notes to Financial Statements
### Financial Statements

#### The Federalist Society for Law and Public Policy Studies

**Statements of Activities**

For the years ended September 30, 2006 and 2005

<table>
<thead>
<tr>
<th></th>
<th>2006 Unrestricted</th>
<th>Temporarily Restricted</th>
<th>Permanently Restricted</th>
<th>Total</th>
<th>2005 Unrestricted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants</td>
<td>$1,936,347</td>
<td>$2,946,183</td>
<td>$4,882,530</td>
<td>$1,786,494</td>
<td></td>
</tr>
<tr>
<td>Registration fees</td>
<td>537,414</td>
<td></td>
<td>537,414</td>
<td>364,769</td>
<td></td>
</tr>
<tr>
<td>Membership dues</td>
<td>240,513</td>
<td></td>
<td>240,513</td>
<td>211,255</td>
<td></td>
</tr>
<tr>
<td>Contributions</td>
<td>2,722,576</td>
<td>223,610</td>
<td>2,946,186</td>
<td>2,561,927</td>
<td></td>
</tr>
<tr>
<td>Investment income</td>
<td>260,421</td>
<td></td>
<td>260,421</td>
<td>186,639</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous income</td>
<td>11,795</td>
<td></td>
<td>11,795</td>
<td>12,077</td>
<td></td>
</tr>
<tr>
<td><strong>NET ASSETS RELEASED FROM RESTRICTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfaction of program restrictions</td>
<td>$1,607,505</td>
<td>($1,607,505)</td>
<td>-</td>
<td>-</td>
<td>1,458,895</td>
</tr>
<tr>
<td></td>
<td>7,316,571</td>
<td>1,562,288</td>
<td>-</td>
<td>8,878,859</td>
<td>6,582,056</td>
</tr>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program services</td>
<td>987,002</td>
<td>-</td>
<td>987,002</td>
<td>825,672</td>
<td></td>
</tr>
<tr>
<td>General program</td>
<td>274,996</td>
<td>-</td>
<td>274,996</td>
<td>230,701</td>
<td></td>
</tr>
<tr>
<td>Fellows program</td>
<td>435,449</td>
<td>-</td>
<td>435,449</td>
<td>405,752</td>
<td></td>
</tr>
<tr>
<td>Student Chapter and Membership Services</td>
<td>915,108</td>
<td>-</td>
<td>915,108</td>
<td>632,932</td>
<td></td>
</tr>
<tr>
<td>Student Speakers Bureau</td>
<td>199,376</td>
<td>-</td>
<td>199,376</td>
<td>144,630</td>
<td></td>
</tr>
<tr>
<td>Student National Symposium</td>
<td>347,657</td>
<td>-</td>
<td>347,657</td>
<td>304,311</td>
<td></td>
</tr>
<tr>
<td>Lawyers Division Chapter and Membership Services</td>
<td>521,379</td>
<td>-</td>
<td>521,379</td>
<td>539,914</td>
<td></td>
</tr>
<tr>
<td>Lawyers Division Speakers Bureau</td>
<td>802,799</td>
<td>-</td>
<td>802,799</td>
<td>734,072</td>
<td></td>
</tr>
<tr>
<td>Lawyers National Conference</td>
<td>808,158</td>
<td>-</td>
<td>808,158</td>
<td>670,601</td>
<td></td>
</tr>
<tr>
<td>Practice activities</td>
<td>298,208</td>
<td>-</td>
<td>298,208</td>
<td>279,014</td>
<td></td>
</tr>
<tr>
<td>Other conferences</td>
<td>5,590,132</td>
<td>-</td>
<td>5,590,132</td>
<td>4,767,599</td>
<td></td>
</tr>
<tr>
<td>General and administrative</td>
<td>392,031</td>
<td>-</td>
<td>392,031</td>
<td>346,911</td>
<td></td>
</tr>
<tr>
<td>Fundraising</td>
<td>494,043</td>
<td>-</td>
<td>494,043</td>
<td>441,996</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6,476,206</td>
<td>-</td>
<td>6,476,206</td>
<td>5,556,506</td>
<td></td>
</tr>
<tr>
<td><strong>CHANGE IN NET ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>840,365</td>
<td>1,562,288</td>
<td>2,402,653</td>
<td>1,025,550</td>
<td></td>
</tr>
<tr>
<td><strong>NET ASSETS AT BEGINNING OF YEAR</strong></td>
<td>3,380,562</td>
<td>2,015,119</td>
<td>10,000</td>
<td>5,405,681</td>
<td>2,355,012</td>
</tr>
<tr>
<td><strong>NET ASSETS AT END OF YEAR</strong></td>
<td>$4,220,927</td>
<td>$3,577,407</td>
<td>$10,000</td>
<td>$7,808,334</td>
<td>$3,380,562</td>
</tr>
</tbody>
</table>

See Notes to Financial Statements
EXHIBIT B

<table>
<thead>
<tr>
<th>2005</th>
<th>Temporarily Restricted</th>
<th>Permanently Restricted</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,642,283</td>
<td>$ -</td>
<td>$3,428,777</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>364,769</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>211,255</td>
<td></td>
</tr>
<tr>
<td>64,728</td>
<td>-</td>
<td>2,626,695</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>186,639</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>12,077</td>
<td></td>
</tr>
<tr>
<td>1,707,011</td>
<td>-</td>
<td>6,830,172</td>
<td></td>
</tr>
<tr>
<td>(1,458,895)</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>248,116</td>
<td>-</td>
<td>6,830,172</td>
<td></td>
</tr>
</tbody>
</table>

EXHIBIT C

THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED SEPTEMBER 30, 2006 AND 2005

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH FLOWS FROM OPERATING ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change in net assets</td>
<td>$ 2,402,653</td>
<td>$ 1,273,666</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash provided (used) by operating activities</td>
<td>31,107</td>
<td>23,936</td>
</tr>
<tr>
<td>Depreciation and amortization</td>
<td>(84,178)</td>
<td>(78,290)</td>
</tr>
<tr>
<td>Net appreciation in fair value of investments</td>
<td>(4,114)</td>
<td>(4,711)</td>
</tr>
<tr>
<td>Donation of securities (Increase) decrease in</td>
<td>495,881</td>
<td>(438,281)</td>
</tr>
<tr>
<td>Grants receivable</td>
<td>23,212</td>
<td>(396,730)</td>
</tr>
<tr>
<td>Contributions receivable</td>
<td>7,092</td>
<td>(1,335)</td>
</tr>
<tr>
<td>Other receivables</td>
<td>71,911</td>
<td>4,417</td>
</tr>
<tr>
<td>Other current assets</td>
<td>101,144</td>
<td>103,888</td>
</tr>
<tr>
<td>Increase (decrease) in Accounts payable and accrued expenses</td>
<td>(86,161)</td>
<td>129,103</td>
</tr>
<tr>
<td>Deferred revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CASH FLOWS FROM INVESTING ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of investments</td>
<td>(550,509)</td>
<td>(553,014)</td>
</tr>
<tr>
<td>Proceeds from sale of investments</td>
<td>611,185</td>
<td>52,938</td>
</tr>
<tr>
<td>Purchase of fixed assets</td>
<td>(102,306)</td>
<td>(27,920)</td>
</tr>
<tr>
<td>INCREASE IN CASH AND CASH EQUIVALENTS</td>
<td>(41,630)</td>
<td>(528,596)</td>
</tr>
<tr>
<td>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</td>
<td>2,758,911</td>
<td>87,064</td>
</tr>
<tr>
<td>CASH AND CASH EQUIVALENTS AT END OF YEAR</td>
<td>$ 4,976,658</td>
<td>$ 2,216,747</td>
</tr>
</tbody>
</table>

FINANCIAL STATEMENTS

The Federalist Society for Law and Public Policy Studies
Annual Report Fiscal Year 2005
35
NOTE 1: ORGANIZATION
The Federalist Society for Law and Public Policy Studies was organized in 1982 as a not-for-profit corporation under the laws of the District of Columbia, for the primary purpose of promoting intellectual diversity in the legal profession and the legal community. It is organized exclusively for charitable, educational and scientific purposes.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
Basis of Accounting
The financial statements of the Society have been prepared on the accrual basis of accounting in conformity with generally accepted accounting principles in the United States of America.

Accounting Estimates
The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the dates of the statement of financial position and revenues and expenses during the reporting period. Actual results could differ from these estimates.

Cash and Cash Equivalents
All highly liquid debt instruments with a maturity of three months or less at the time of purchase are considered cash equivalents.

Fixed Assets
Fixed assets are capitalized at cost and depreciated over estimated useful lives of 5 to 10 years using straight-line method. The Society’s policy is to capitalize fixed assets for which the useful life extends past one year.

Investments
The Society’s investments in marketable equity and debt securities that are presented at their fair market value as determined by quoted market prices.

Rent Concessions
Rent concessions on the office lease are recognized over the term of the lease on a straight-line basis.

Membership Dues
The Society provides certain services only to dues-paying members creating exchange transactions. Therefore, membership dues are considered as program service fees and are recognized in the period in which the services are rendered.

Net Assets
Net assets arising from contributions are reported as unrestricted or restricted based on stipulations of the donor. Unrestricted net assets are the portion of net assets that are neither temporarily nor permanently restricted by donor stipulations or their use. Temporarily restricted net assets are the portion of net assets resulting from contributions that the donor has stipulated may be used only upon the passage of time or action of the Society pursuant to those stipulations. Permanently restricted net assets are the portion of net assets whose use is limited by donor-imposed stipulations that cannot be removed by the passage of time or action of the Society.

NOTE 4: CONTRIBUTIONS RECEIVABLE
Included in the grants receivable in the following unconditional promises to give as of September 30, 2005:

<table>
<thead>
<tr>
<th>Amounts to be received</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than one year</td>
<td>$797,200</td>
<td>$1,120,790</td>
</tr>
<tr>
<td>One to five years</td>
<td>90,000</td>
<td>214,000</td>
</tr>
<tr>
<td>Present value discount</td>
<td>857,190</td>
<td>1,334,790</td>
</tr>
<tr>
<td>1,554,420</td>
<td>1,925,410</td>
<td></td>
</tr>
</tbody>
</table>

NOTE 5: INVESTMENTS
At September 30, 2005 and 2004, the Society’s investments consist of the following:

<table>
<thead>
<tr>
<th>2005</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificates of deposit</td>
<td>259,661</td>
</tr>
<tr>
<td>Corporate bonds</td>
<td>417,973</td>
</tr>
<tr>
<td>Government bonds</td>
<td>148,443</td>
</tr>
<tr>
<td>Common stock</td>
<td>1,095,126</td>
</tr>
<tr>
<td>Investment income</td>
<td>1,910,126</td>
</tr>
</tbody>
</table>

NOTE 6: TEMPORARILY RESTRICTED NET ASSETS
As of September 30, 2005, temporarily restricted net assets of $3,377,407 and $2,015,179 as of September 30, 2006, are available for education and research projects.

NOTE 7: COMMITMENTS AND CONTINGENCIES
The Society has an office lease that expires December 31, 2015. During the years ended September 30, 2006 and 2005, additional space was rented in the existing office space. Rent expenses for the years ended September 30, 2006 and 2005 was $1,531,936 and $1,531,936, respectively. As of September 30, 2006, required minimum lease payments are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$267,123</td>
</tr>
<tr>
<td>2008</td>
<td>252,888</td>
</tr>
<tr>
<td>2009</td>
<td>238,733</td>
</tr>
<tr>
<td>2010</td>
<td>214,997</td>
</tr>
<tr>
<td>2011</td>
<td>191,791</td>
</tr>
<tr>
<td>Thereafter</td>
<td>1,361,936</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$267,123</td>
</tr>
<tr>
<td>2008</td>
<td>252,888</td>
</tr>
<tr>
<td>2009</td>
<td>238,733</td>
</tr>
<tr>
<td>2010</td>
<td>214,997</td>
</tr>
<tr>
<td>2011</td>
<td>191,791</td>
</tr>
<tr>
<td>Thereafter</td>
<td>1,361,936</td>
</tr>
</tbody>
</table>

NOTE 8: FUNCTIONAL ALLOCATION OF EXPENSES
The costs of providing the various programs and other activities have been summarized on a functional basis in the statement of activities. Accordingly, certain costs have been allocated among the programs and supporting services based on the Society’s method of allocating costs.

NOTE 9: SIMPLE IRA PLAN
Through December 31, 2006 the Society sponsored a Simple IRA plan for its employees. Under the provisions of the plan, the Society matches an employee’s contribution up to 3% of the employee’s compensation. For the remainder of the fiscal year the Society sponsored a SEP plan whereby it had the option to contribute a discretionary amount. For both 2006 and 2005 they contributed 3%. The Society contributed $35,087 and $33,725, for the years ended September 30, 2006 and 2005, respectively.

NOTE 10: INCOME TAXES
The Society is exempt from federal income taxes, except for taxes on unrelated business income, under Section 512(b)(2) of the Internal Revenue Code. There was no unrelated business income in the years ended September 30, 2006 and 2005.

NOTE 11: CONCENTRATION OF CREDIT RISK
Financial instruments that subject the Society to concentrations of credit risk include cash which is invested with financial institutions. While the Society’s cash balances with financial institutions may, at times, exceed the limits insured by agencies of the U.S. government the Society has not experienced and does not anticipate experiencing any losses on such deposits.

NOTE 12: RECLASSIFICATION
Certain amounts in the 2005 financial statements have been reclassified to conform with the 2006 presentation.

END OF AUDITED FINANCIAL STATEMENTS