

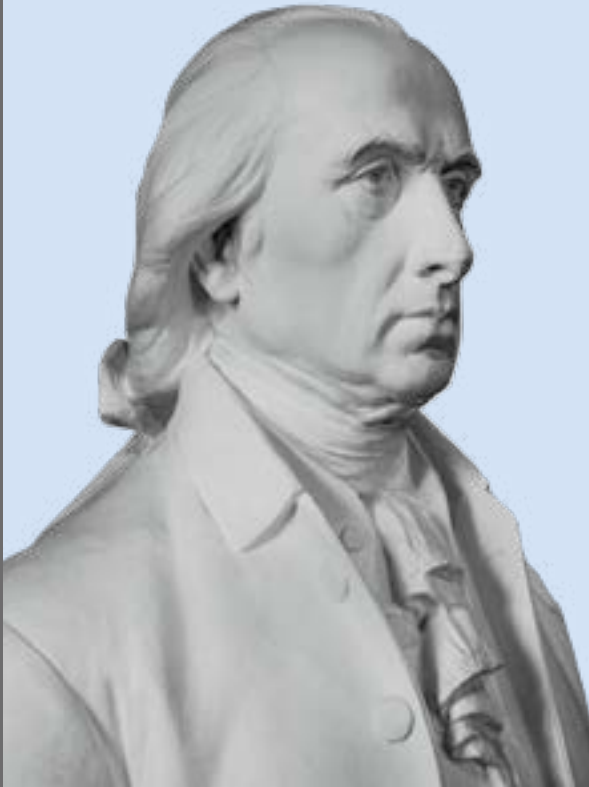


THE **Federalist** PAPER

THE MAGAZINE OF THE FEDERALIST SOCIETY • FEDSOC.ORG

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

Federalist No. 78

Dear Friend,

The Federalist Society has been bringing you expert commentary on and analysis of the just-concluded Supreme Court term all year. See inside for a small sampling of the resources we have provided, and go to fedsoc.org to read articles and blog posts, listen to podcasts, and watch videos about the term's most important cases from top legal experts.

Besides keeping up with the exciting things happening at the Supreme Court—including the nomination and confirmation of Justice Neil Gorsuch to the seat formerly held by Justice Antonin Scalia—the Federalist Society has been busy hosting events around the country. One of the most exciting was the Fifth Annual Executive Branch Review Conference (EBR5), which was held at DC's Mayflower Hotel in May. In conjunction with the Federalist Society's multi-year exploration of the role of Congress in our system of government (see the Article I Initiative for more detail on that), EBR5 featured keynotes and panels that explored the theme of *The Relationship between Congress and the Executive Branch*.

Lawyers Chapters in Ohio held their first statewide conference this past spring, having seen the success of other statewide and regional conferences (keep an eye out for registration for the upcoming Kentucky and Texas Chapters Conferences). Bestselling author J.D. Vance gave the keynote address at the conference. Lawyers Chapters around the country have been hosting Supreme Court round-ups and summer receptions—be sure to get connected with your local chapter.

Student Chapters wrapped up a great school year filled with excellent events, but next year's student leaders have not taken the summer off. Student Chapter presidents for the 2017-18 school year came together for the annual Student Leadership Conference in DC, and we eagerly anticipate another fantastic year on campuses across the country. Our excellent faculty will continue to contribute to campus intellectual life as well; see inside for updates on the work they are doing.

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

Katie McClendon
Director of Publications



Paul Clement chats with other attendees of this year's Supreme Court Reception. See more photos on page six.

NATIONAL LAWYERS CONVENTION

November 16-18, 2017

The Mayflower Hotel, Washington, DC
"Regulatory Agencies & the Administrative State"

Register soon at fedsoc.org

KENTUCKY CHAPTERS CONFERENCE

September 14, 2017

State Capitol, Frankfort, KY

Register soon at fedsoc.org

TEXAS CHAPTERS CONFERENCE

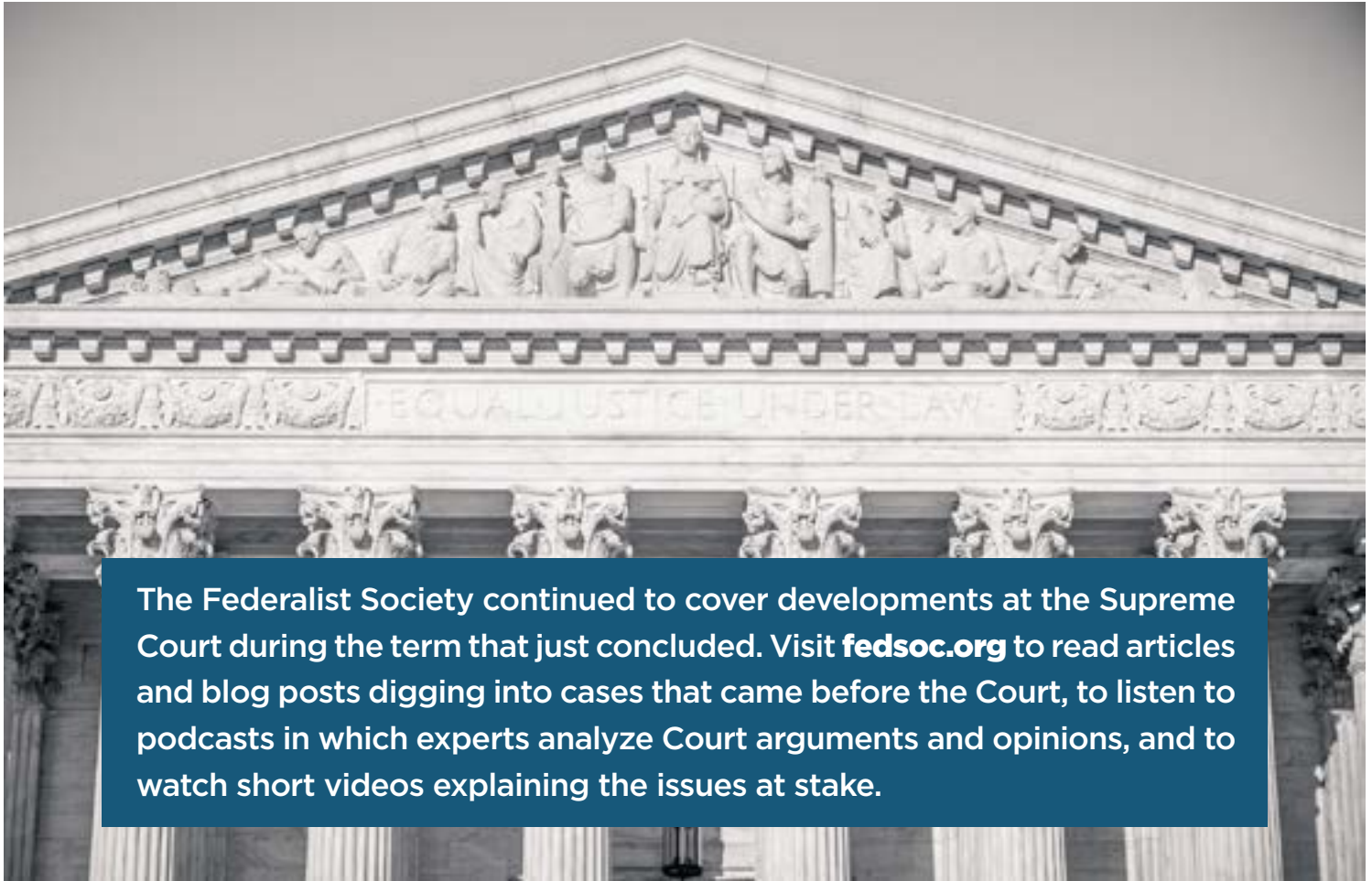
September 22-23, 2017

The Houstonian, Houston, TX

"The Uses of Executive Power"

Register now at fedsoc.org

SUPREME COURT



The Federalist Society continued to cover developments at the Supreme Court during the term that just concluded. Visit fedsoc.org to read articles and blog posts digging into cases that came before the Court, to listen to podcasts in which experts analyze Court arguments and opinions, and to watch short videos explaining the issues at stake.

Gloucester County School Board v. G.G.: Judicial Overdeference Is Still a Massive Problem

by Ilya Shapiro, David McDonald, *Federalist Society Review*, Vol. 18

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

by Christopher M. Kieser, *Federalist Society Review*, Vol. 17

Why Scalia Was Wrong About *Chevron*

by Evan Bernick, *FedSoc Blog*

Justice Scalia's Influence On Display in *Apple v. Samsung* Decision

by Joshua Wolson, *FedSoc Blog*

Helmerich & Payne International v. Venezuela

by Trey Childress, *FedSoc Blog*

The Dog That Hasn't Barked (Yet): Waiting on *Trinity Lutheran Church of Columbia, Inc. v. Pauley*

by Carrie Severino, *FedSoc Blog*

Read

articles and blog posts
available at fedsoc.org

Listen

to podcasts available at fedsoc.org/multimedia

Teleforum Calls

Courthouse Steps: *Lee v. Tam*
Featuring Megan Brown, Dwayne Sam

Impression Products v. Lexmark Int'l and the Law of Patent Exhaustion
Featuring Adam Mossoff, David S. Olson, Steven M. Tepp, Kristen Osenga

Courthouse Steps: *Hernandez v. Mesa*
Featuring Steven Giaier

Supreme Court Preview: *Packingham v. NC*
Featuring Jonathan Sherman, Melissa Arbus Sherry

Courthouse Steps: Cash or Credit? Price Control or Speech Control?
Featuring Jesse Panuccio

SCOTUScasts

Star Athletica, LLC v. Varsity Brands, Inc.—Post-Argument
Featuring Zvi Rosen

McLane Co. v. EEOC—Post-Argument
Featuring Karen Harned

Samsung Electronics Co. v. Apple—Post-Decision
Featuring Trevor Copeland & Art Gollwitzer

Moore v. Texas—Post-Argument
Featuring Kent S. Scheidegger

McCrorry v. Harris and Bethune-Hill v. Virginia State Board of Elections—Post-Argument
Featuring Jack Park



Microsoft v. Baker: The Xbox Class Certification Case
Featuring Ted Frank



Murr v. Wisconsin: The Regulatory Takings Case
Featuring Eric Claeys

Watch

short videos available at youtube.com/thefederalistsociety



Are Religious Healthcare Systems “Churches”?
Featuring Eric Rassbach



Ashcroft v. Abbasi: 9/11 Detainee Case
Featuring Jamil Jaffer

SUPREME COURT RECEPTION

July 15, 2017



See more photos on FedSoc's Facebook page.



Top: Zoey Kotzambasis, Kevin Torge, and Cristyn Kelly

Middle Left: Alex Acosta

Middle Right: Max Raskin, Robert Smith, and Neomi Rao

Bottom Left: Peter Redpath, Richard Cleary, Shiva Logarajah, and Brian Goldman

Bottom Right: Hon. Amul Thapar and Zachary Needell





Student Profile

Alex Cummings

President of the Texas Student Chapter

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

I became a Federalist Society member during my 1L year when I signed up to serve as a 1L Representative. Some of the first events I attended made a tremendous impact on me and the way I thought about the law, so FedSoc quickly became an essential part of my legal education.

I decided to take on a leadership role my 2L year because I wanted to give back to the organization and ensure that future Texas Law students benefitted from FedSoc events in the same way that I did. I was also excited about the prospect of being a part of a new team that could take the Chapter to the next level. Our team that year, led by Aaron Reitz, was ultimately incredibly successful and won Chapter of the Year.

Taking on the role of President my 3L year seemed like the natural next-step. I believed I could continue to grow the Chapter and build upon the success of the previous year. I think—and I hope—that I did just that. Serving as President has been one of the most rewarding parts of law school and I will always be proud that I was part of making our Chapter what it is today.

What accomplishment as FedSoc president are you most proud of?

I am most proud of the debate we hosted on federal authority under Title IX to interfere with state bathroom policies. This event was the most difficult for me to plan because several student groups at Texas Law placed tremendous pressure on the school administration and myself to cancel the debate and disinvite our speaker.

In the few weeks leading up the event, I reflected on whether or not we should go forward with it. I learned that several protesters were planning to attend the event if we ended up hosting it and started to question whether or not the event was worth having.

I ultimately decided that we would continue to host the debate as planned. Our Chapter—and FedSoc generally—has always defended free speech and sought to foster the free flow of ideas, and I would not let shaming and bullying from other organizations change that.

The event was very successful despite the protesters. Over 200 people attended, and several students contacted me to thank us for hosting the debate. The experience was a testimony to the invaluable role FedSoc Chapters play on law school campuses. We are often the only group willing to feature all viewpoints, and many students—even those that are not conservative or libertarian—appreciate that.

What has been a highlight of your experience with FedSoc so far?

The highlight of my experience with FedSoc has been watching our Chapter evolve into the largest, most significant organization at Texas Law and into one of the most successful FedSoc Chapters in the country. When I joined FedSoc as a 1L, the organization did not play a prominent role on campus. We now have over 10% of the student body on our membership roster and routinely host events with over 100 attendees. We also won Chapter of the Year at the Student Symposium last year, and were nominated for three Freddie Awards this year. It's an exciting time for our Chapter, and I cannot wait to see where the Chapter goes in the years to come.

What do you enjoy about going to school in Austin?

Austin is constantly growing, and living here during that growth is very exciting. There's always so much to see and do, and an ever-growing list of restaurants to try! Going to school in the state capital also presents students, especially FedSoc members, with unique opportunities. For example, our Chapter met with Gov. Abbott last year and Scott Keller, the SG, is a familiar face around the law school and at our events.



Top: Amanda Salz and Annika Boone
Middle: Andy Erler
Bottom: Lindsey Johnson, Courtney Brennan, Jillian Gembler, Phil Barefoot, Connor Kohlscheen

LAWYERS CHAPTERS

Inaugural Ohio Chapters Conference

Friday, March 31 at the Athletic Club of Columbus, OH

Convention of the States
Hon. Tom Brinkman, Ohio House of Reps.
Professor David Forte, Cleveland-Marshall Law
Hon. Matt Huffman, Ohio State Senate
Hon. Larry Obhof, Ohio Senate President

Luncheon Keynote Address
J.D. Vance, Author, Hillbilly Elegy: A Memoir of a Family and Culture in Crisis (Top Right)

Interpreting State Constitutions
Hon. Steve Yarbrough, Ohio 6th Dist. Ct. App.
Hon. Jeffrey S. Sutton, 6th Circuit, U.S. Ct. App.
Hon. Judith French, Ohio Supreme Court (Right Center, from left to right)

Fighting Federal Encroachment
Hon. Mike DeWine, Ohio Attorney General
David Fornshell, Warren County Prosecutor
Hon. Wes Goodman, Ohio House of Reps.
Hon. Dave Yost, Ohio Auditor of State
Eric Murphy, Ohio State Solicitor



DC LUNCH

EPA Administrator
Scott Pruitt

DC Young Lawyers Chapter
Summer Reception with

Senator
Mike Lee



The Future of SCOTUS

Capitol Hill Chapter Event

April 11, with Carrie Severino, Ilya Shapiro, and Ed Whelan



SCOTUS Round Up

July 14, with Carrie Severino, Beth Brinkmann, Virginia Seitz, Erin Murphy, and Ilya Shapiro



Immigration Debate

April 25, with Ilya Somin and Scott Keller



FACULTY DIVISION

Junior Scholars

Colloquium and Paper Competition

June 23-25, Annapolis

Paper Topics

Presidential Maladministration
Opportunism and International Affairs
Clockwork Corporations: A Character Theory of Corporate Punishment
Placebo Marks
Who are “Officers of the United States”?
Hyperfunding
A Broken Windows Theory of Sexual Assault Enforcement
IP and the Myth of Nonrivalry

Authors/Winners

Josh Blackman (South Texas)
Vince Buccola (Wharton)
Mihailis Diamantis (Iowa)
Jake Linford (Florida State)
Jennifer Mascott (Georgetown/George Washington)
Seth Oranburg (Duchesne)
Erin Sheley (Calgary)
James Stern (William & Mary)

New Book

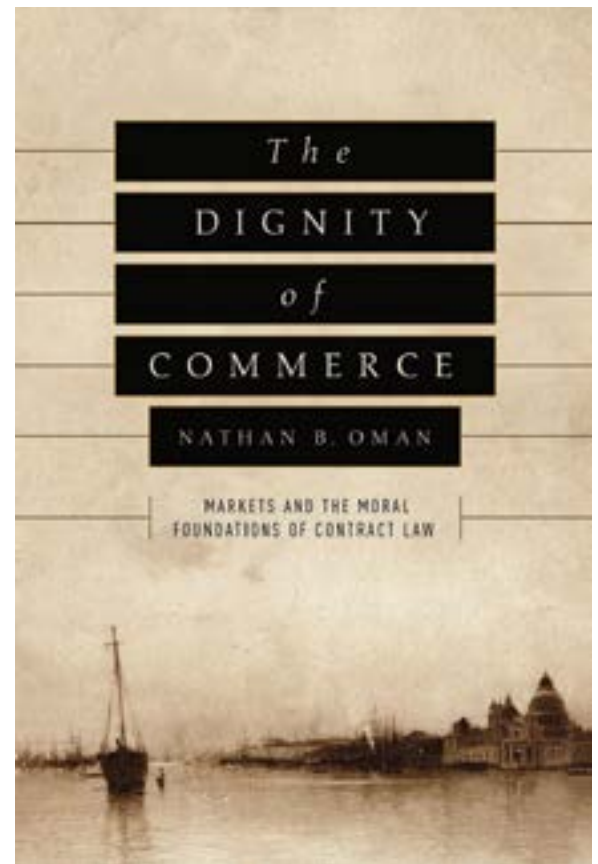
Nathan B. Oman (William & Mary) recently published *The Dignity of Commerce: Markets and the Moral Foundations of Contract Law* with UChicago Press.

Why should the law care about enforcing contracts? We tend to think of a contract as the legal embodiment of a moral obligation to keep a promise. When two parties enter into a transaction, they are obligated as moral beings to play out the transaction in the way that both parties expect. But this overlooks a broader understanding of the moral possibilities of the market. Today's contracts serve a fundamental role in the functioning of society.

With *The Dignity of Commerce*, Nathan B. Oman argues persuasively that well-functioning markets are morally desirable in and of themselves and thus a fit object of protection through contract law. Markets, Oman shows, are about more than simple economic efficiency. To do business with others, we must demonstrate understanding of and satisfy their needs. This ability to see the world from another's point of view inculcates key virtues that support a liberal society. Markets also provide a context in which people can peacefully cooperate in the absence of political, religious, or ideological agreement. Finally, the material prosperity generated by commerce has an ameliorative effect on a host of social ills, from racial discrimination to environmental destruction.

The first book to place the moral status of the market at the center of the justification for contract law, *The Dignity of Commerce* is sure to elicit serious discussion about this central area of legal studies.

Excerpted from the publisher's description of the book.



DC Confidential

David Schoenbrod & Martin Frost discuss the book

April 19 on Capitol Hill



Watch this event on FedSoc's YouTube channel.



Top: Prof. David Schoenbrod discussed his book. | Bottom Left: Hon. Martin Frost offered his views on the book & Congress. Bottom Middle: Adam White joined this interesting panel. | Bottom Right: A capacity crowd of Hill staffers attended.



SUBSCRIBE TO THE ARTICLE I INITIATIVE'S NEW PODCAST ON ITUNES OR GOOGLE PLAY. EPISODES INCLUDE:

- Prof. Chris DeMuth on fiscal restraint & Congress
- Kevin Kosar on the Congressional Research Service
- Prof. David Schoenbrod on his book, *DC Confidential: Inside the Five Tricks of Washington*

EBR5

Fifth Annual Executive Branch Review Conference

May 17 at the Mayflower Hotel in Washington, DC

The Relationship Between Congress and the Executive Branch



Watch all the EBR5 panels & talks on FedSoc's YouTube channel.



Top: Hon. David McIntosh and Hon. Mick Mulvaney | Middle Left: Christopher Bowen and Rachel Brand | Middle Right: David Vladeck and Todd Gaziano | Bottom Left: Dean Reuter and Sen. Mike Lee. | Bottom Right: Adam White, Dean Reuter, Lisa Heinzerling, Matthew Spalding, and Elizabeth Wydra.

TOP 5 TELEFORUM CALLS SINCE JANUARY

Immigration Moratorium in the Supreme Court
Featuring Josh Blackman, David B. Rivkin, & Ilya Somin

Hillbilly Elegy
Featuring J.D. Vance (author) & Adam J. White

Courthouse Steps: Trinity Lutheran (Decision)
Featuring David A. Cortman

Courthouse Steps: Trinity Lutheran (Argument)
Featuring Hannah C. Smith

Travel Moratorium Executive Order
Featuring Andrew C. McCarthy, David J. Bier, & Shireen Qudosi

Teleforum Calls

Listen to podcasts of these
and other calls, or check our
schedule and join us live!

The Role of Economic Liberty in the U.S.

March 28 at the
National Press Club



Top: Sen. Ted Cruz discusses the role of economic liberty.

Above: FTC Commissioner Maureen Ohlhausen discusses government barriers and her initiative to remove them through the creation of her economic liberty task force.

Left: The panel, including Commissioner Ohlhausen, Lawrence Spiwak, Prof. Michelle Connolly, and Clark Neily, digs deeper into the issue of occupational licensing and economic opportunity.

UNLOCKING INNOVATION & OPPORTUNITY

The Regulatory Transparency Project (RTP) has now entered its second year and has started to promote its work publicly. For example, in June the RTP launched the project's website **RegProject.org** and has shared papers, podcasts, and videos. Our web presence will also provide the public a platform to offer their own concrete examples of how government regulation has impacted their lives.

- Visit **RegProject.org** to subscribe to our newsletter. You can also follow us on Facebook, Twitter, and LinkedIn.
- These pages display an assortment of photos taken behind-the-scenes of the first video in our *Fourth Branch* video series. Videos 2-4 are currently in production.
- We host Teleforum calls and post them on **RegProject.org** as downloadable *Free Lunch* podcasts. Be on the lookout for upcoming Teleforum calls and join the discussion.
- For an in-depth dive into our working groups' efforts, view our papers on our website.
- We encourage students and lawyers chapters to program on RTP content. Share your events on our social media and we may feature your photos here!



Regulatory Transparency Project
[FREE LUNCH] Laws, Regulations, and "Regulatory Dark Matter"
Tomorrow, July 19, at 12:00 PM, join our discussion with Wayne Crews about "regulatory dark matter": the thousands of executive branch and federal agency proclamations and issuances that carry practical (if not always technically legally) binding regulatory effect.
Learn more
Share your story
How has regulation affected your life or business?

   FOLLOW RTP ON SOCIAL MEDIA

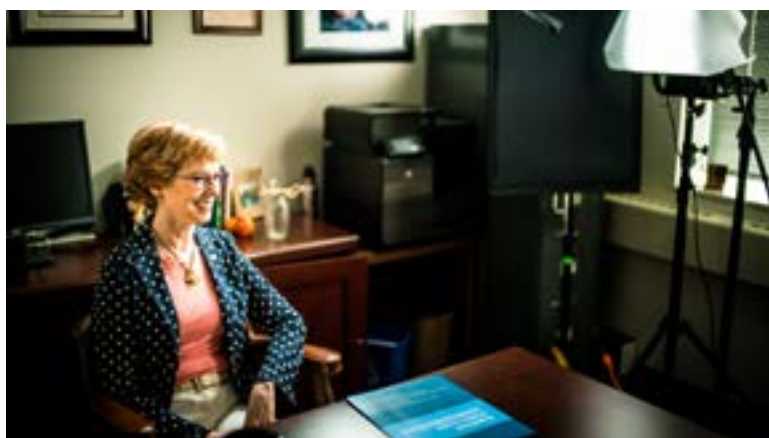


FREE LUNCH
Podcast of the Regulatory Transparency Project
A venture of the Federalist Society

Visit **RegProject.org** to listen to episodes of our new Free Lunch podcast. Download episodes on iTunes or Google Play.



“Regulatory reform sounds so wonky, but in many ways, it’s the key issue to grow our economy and put the hardworking men and women of this country who build things, *who build things*, back to work.” Senator Dan Sullivan (Alaska)



SCAN THIS QR CODE TO VISIT
RegProject.org

Upper left: Susan Dudley prepares for a film segment.

Bottom left: Christopher DeMuth talks about how regulation can burden and stifle innovation.

MEMBER PROFILE:

Megan Brown

*Partner, Wiley Rein
Board, Harvard Federalist Society
Alumni Chapter*



How did you first get involved with the Federalist Society?

In my 1L year at Harvard Law, I was surprised at the lack of questioning about interpretive methods, the role of judges, and the separation of powers. I did not come from a family of lawyers, but I was surprised that textualism or skepticism about legislative history were seen as unusual.

FedSoc provided a venue in which to hear varied viewpoints, and brought speakers with perspectives not always represented by the faculty. FedSoc put on debates, and encouraged us to challenge ourselves and our classmates. Older students were mentors and provided advice about clerkships and firms; I credit the organization with helping me find my wonderful clerkship. It was a collegial and engaged group of peers that I enjoyed as part of my law school experience.

What has your involvement looked like since then?

I attend parts of the November National Convention as my schedule allows; my firm always has several tables at the annual dinner, which is great because we can host clients and friends. I help organize our alumni lunch at the convention, getting speakers like my classmate Senator Tom Cotton, and one of my old bosses, Attorney General Alberto Gonzales. I've gone to Cambridge to speak to the Harvard Student Chapter (and received one of their Distinguished Alumni awards, which was very nice of them!).

Over my career, FedSoc has provided writing and speaking opportunities on the First Amendment and separation of powers. They do Telefora and podcasts, which I have done on major cases and nonideological substantive issues like privacy, data security, and litigation trends. I think attorneys should use these opportunities more.

Tell us about the inaugural Harvard Alumni Symposium, which was held in March. How were you involved?

It went really well! Several alumni were chatting a couple of years ago, and we thought it would be fun to get together in Cambridge. My friends, including Beth Collins, Lee Rudofsky, Katie Biber Chen, Sarah Isgur Flores, Katie Wheelbarger, and many others helped put the weekend together. We had a great turnout and several excellent panels—with federal judges, senior government officials (including many state SGs), in-house and private practitioners—that addressed national security and other issues. I interviewed Dean Minow, who was charming and who warmly embraces FedSoc as a great part of campus life. I think we had a real impact, showing the HLS administration that alumni care about intellectual diversity on campus and want to preserve space for debate and discussion.

What are some of your interests outside of work?

I hang out with my kids, Kathleen (12) and Ryan (8), and my husband of almost 15 years. We travel a lot, which has spoiled my kids but made them great travelers. This year, we will hit Italy, Turks & Caicos, London, and Antigua. I spend time with my parents, who live around the block, which is a real blessing. I serve as an appointee on the Judicial Nominating Commission for the trial courts in Montgomery County, Maryland, where I live. And I am on the board of a 501(c)(3), the Women's High Tech Coalition, which brings women in tech together with policymakers in DC, Silicon Valley, and tech centers around the nation.

Thank you for speaking with us, Megan, and for all of your wonderful contributions to the Federalist Society!

ALUMNI RELATIONS

Harvard Alumni Symposium

March 24-25 in Cambridge



Left: Attendees listen to a panel at the Symposium.

Below: Harvard Alumni Chapter Board Member Megan Brown interviews Harvard Law School Dean Martha Minow.



Above Left: Prof. Randall Kennedy receives the 2017 Charles Fried Award for Intellectual Diversity.



Above Right: Texas Supreme Court Justice Don Willett gives the keynote address at the banquet.

There is no organization that has had a more beneficial impact on the intellectual life of the law school than the Federalist Society.
HLS Dean Martha Minow



Featuring:
Dean Martha Minow
Judge Laurence Silberman
Judge Reena Raggi
Senator Ted Cruz
Justice Don Willett
Jennifer Braceras
Kathryn Wheelbarger
John Demers
Sarah Isgur Flores
Katie Biber Chen
Beth Collins
Megan Brown
Lawrence VanDyke
Andrew Brasher
Lee Rudofsky
Mithun Mansinghani
Paul Watkins



Grilling Gorsuch & Fearing the Federalist Society

Jonathan H. Adler
Case Western University School of Law
March 23, 2017

This week, Senate Democrats have poked and prodded Judge Neil Gorsuch in an effort to derail his confirmation to the U.S. Supreme Court. They've asked about his judicial opinions, his writings, his work for the George W. Bush administration, and even his dissertation adviser. Throughout it all, Gorsuch has been largely unflappable, revealing that he is precisely what all who know him already knew: He's an intelligent and conscientious, mainstream conservative judge who cares deeply about the judicial craft.

Not content to let the Gorsuch nomination sail through, some have sought to suggest he's unfit because of who nominated him or who supports him. Sen. Sheldon Whitehouse (D-R.I.), for one, spent time challenging Gorsuch to disavow the "dark money" supporting his confirmation. Others have expressed dismay that Gorsuch is a member of the Federalist Society and was recommended to the president by the Society's executive vice president, Leonard Leo, who has taken a leave from the organization to work on the nomination.

"Neil Gorsuch Was Hatched in a Federalist Society Lab," proclaims Dahlia Lithwick's latest article for Slate. "We Must Filibuster Gorsuch's Federalist Society Agenda," screams an op-ed circulated on progressive websites. Repeating what have become common progressive talking points, the author portrays the Society as a secretive cabal advancing a sinister, "pro-corporate, anti-civil rights agenda."

As a longtime member and supporter of the Federalist Society, I recognize very little in the dark caricatures drawn by progressive politicians and pundits. The Federalist Society—to which I've belonged and contributed for many years—is certainly a right-of-center organization, but its focus is on ideas, not supporting specific causes or interests. It is, as its statement of purpose indicates:

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 idea of a narrow Federalist Society "agenda" is particularly bemusing, though I suppose it's easy to fear and misrepresent what one doesn't understand. While the Society is united by broad principles, its members have a wide range of views on the particulars.

I first encountered the Society as an undergraduate, when the group was hosting its annual symposium at Yale. I showed up to

hear an engaging and highly substantive debate over the Supreme Court's then-recent decision in *Employment Division v. Smith*. From that moment, I was hooked.

Since then I've observed (and often participated in) debates among members on the scope of the Commerce Clause, the nature of judicial review, the need for the Religious Freedom Restoration Act, the constitutionality of affirmative action, taxpayer standing, the scope of federal preemption, habeas rights for detainees, and many other issues.

Some Federalist Society members were at the forefront of developing challenges to the Affordable Care Act, while others were convinced of its constitutionality. Some Federalist Society members inveighed against the unconstitutionality of President Barack Obama's immigration reforms, while others of us defended their legality. Some Federalist Society members defended the constitutionality of the Defense of Marriage Act, while others of us argued it was an improper use of federal power. Some Federalist Society members believe *Kelo v. New London* epitomizes government tyranny, while others of us believe it is consistent with the text of the Fifth Amendment. And so on.

Federalist Society luminaries range from libertarians like Randy Barnett to traditionalists like Michael Stokes Paulsen and those who defy conventional definition, like Society Chairman Steven Calabresi, a noted originalist scholar who's also written that the Constitution requires recognition of same-sex marriage. The Federalist Society has celebrated the work of the late Justice Antonin Scalia, whose legacy was the focus of last year's annual convention, while also praising the academic work of liberal scholars such as Akhil Reed Amar, who was awarded the Society's Paul M. Bator prize in 1993.

When sponsoring programs on law school campuses (in which I often participate), the organization goes out of its way to encourage discourse and debate. (Alas, at many schools it can be difficult to find professors who are willing to exchange views in front of students.) Federalist Society conferences—and the student symposia in particular—feature diverse panels and pointed debates on the most important legal issues, with opinions spanning the political spectrum. Few, if any, organizations can claim equivalent programming. It's no wonder that Justice Elena Kagan proclaimed "I Love the Federalist Society" when she was Harvard Law's dean.

It's certainly true Gorsuch has been involved with the Society. In 2013, he delivered the Barbara Olson Memorial Lecture at the annual Lawyers Convention. But if Judge Neil Gorsuch is a "product" of the Federalist Society, this is shown less in the results he reaches than how he gets there. His intellectual engagement and careful reasoning are more a hallmark of the group than the holding of any particular case. He wants to get the law right, not ensure his favored side wins. That, above anything else, is why some of us support him. Alas, it appears that may be why some oppose him.

Originally published on [The Volokh Conspiracy blog](#).

Watch

Short Videos

Medical Marijuana & the Second Amendment
with Joseph Greenlee

Labor Issues in the Sharing Economy
part of an ongoing series on the sharing economy

Scalia: Portrait of a Man & Jurist
excerpted from a full-length feature documentary available on Hulu

The Great Debate
a special feature on the role of the Supreme Court



Recent Events

Student Symposium Panels
held at Columbia Law School

Florida Conference Panels
held at Disney World

Western Conference Panels
held at the Reagan Library



Listen



Pena-Rodriguez v. Colorado:
Post Decision Recap
with John Richter

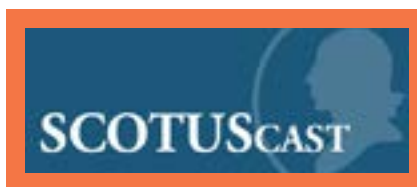
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