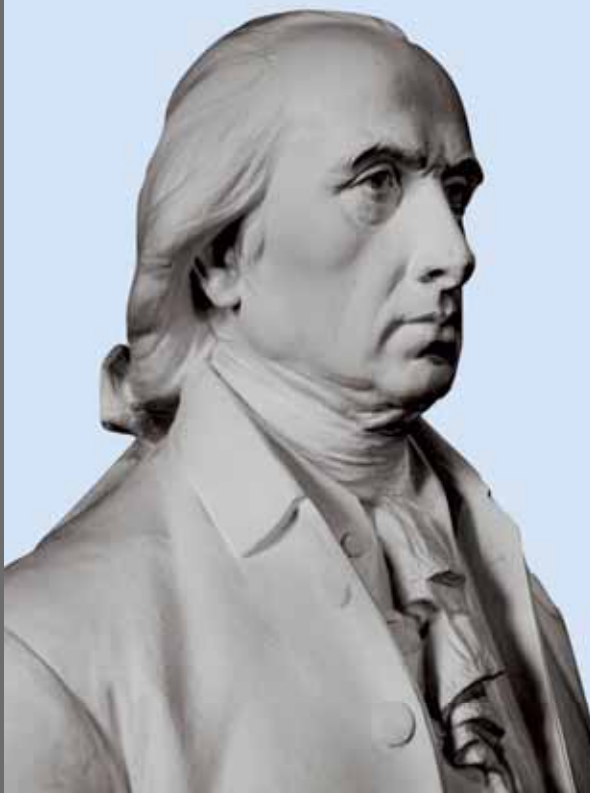


THE **Federalist** PAPER

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## THE FEDERALIST NO. 78

“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.”



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# EDITOR'S LETTER

Dear Friend of the Society,

We are pleased to bring you the fall issue of *The Federalist Paper*, just in time for our National Lawyers Convention. We hope you enjoy the new look. Inside, we highlight some of our most exciting programs and publications from the past few months. You will also find a book review by a Supreme Court Justice and member profiles.

Our Student Chapters have been busy recruiting new members and bringing in speakers for exciting debates. In this issue, we profile an outstanding student chapter leader—Dr. Riddhi Sohan Dasgupta, Co-President of the Berkeley Chapter—in an interview you won't want to miss.

Lawyers Chapters around the country have been very active this summer and fall, wrapping up a season of Supreme Court Round-Ups just in time for the new term. The Texas Chapters just held their state convention, and don't miss upcoming regional conventions of the Florida Chapters and the Western Chapters.

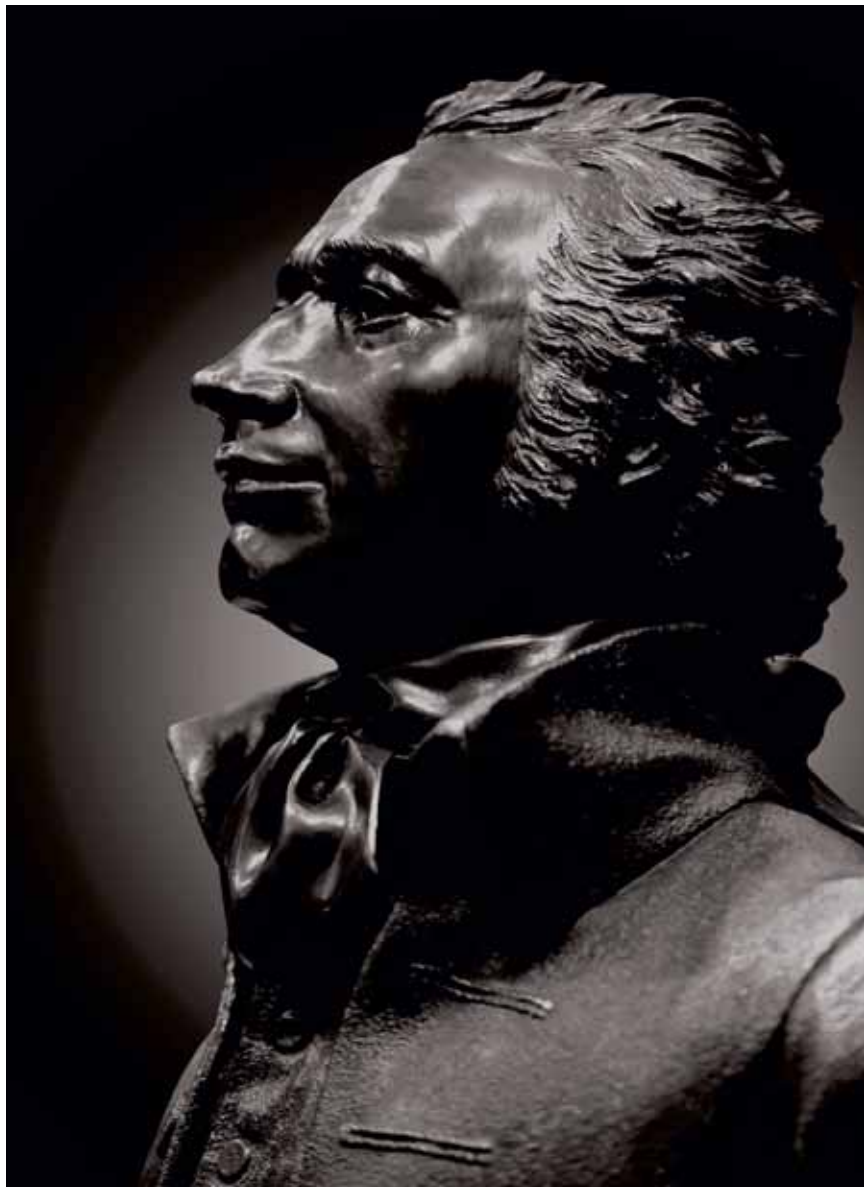
The Faculty Division is looking forward to the upcoming Annual Faculty Conference. It has also been keeping busy hosting faculty colloquiums and the brand new James Kent Academy for aspiring academics.

The big story in Practice Groups is the explosion of interest in our Teleforum Conference Calls and in the podcasts that come from them. Learn more in this issue, and see some pictures from recent practice group-sponsored events.

Keep checking in with [fedsoc.org](http://fedsoc.org) (and like and follow us on Facebook and Twitter) to stay updated on our Teleforums, SCOTUScasts, Practice Group Podcasts, *Engage* articles, white papers, and more.

Please send your comments and suggestions my way at [katie.mcclendon@fedsoc.org](mailto:katie.mcclendon@fedsoc.org). I look forward to hearing from you!

Katie McClendon



## NATIONAL LAWYERS CONVENTION

Thursday-Saturday,  
November 12-14, 2015

The Mayflower Hotel  
1127 Connecticut Ave. NW  
Washington, DC 20036

We hope you plan to join us at our annual National Lawyers Convention. This year's theme is *The Role of Congress*. Register online now at [fedsoc.org](http://fedsoc.org).

## 18TH ANNUAL FACULTY CONFERENCE

Friday-Saturday,  
January 8-9, 2016

Sheraton New York  
Times Square Hotel  
811 7th Ave. at 53rd St.  
New York, NY 10019

Our annual faculty conference is coming soon. Register online at [fedsoc.org](http://fedsoc.org), and flip to page 10 for more details.



The Federalist Society is the most important civic organization formed in the last forty years. Even academics are coming around to the conclusion. . . . [I]deas refined at the Federalist Society conferences have made their way into Supreme Court opinions, in such areas as the Second Amendment, federalism, and campaign finance regulation.

- John O. McGinnis  
*The Most Influential Legal Organization*

LIBRARY OF LAW & LIBERTY BLOG

A visit to a law school decades ago and a visit today would reveal strikingly different campuses. Before the 1980s, legal ideas generally considered conservative or libertarian were rare, and their defenders were regarded as borderline eccentric. Today, the environment is far more hospitable. . . . Perhaps the biggest spur for this transformation has been the Federalist Society.

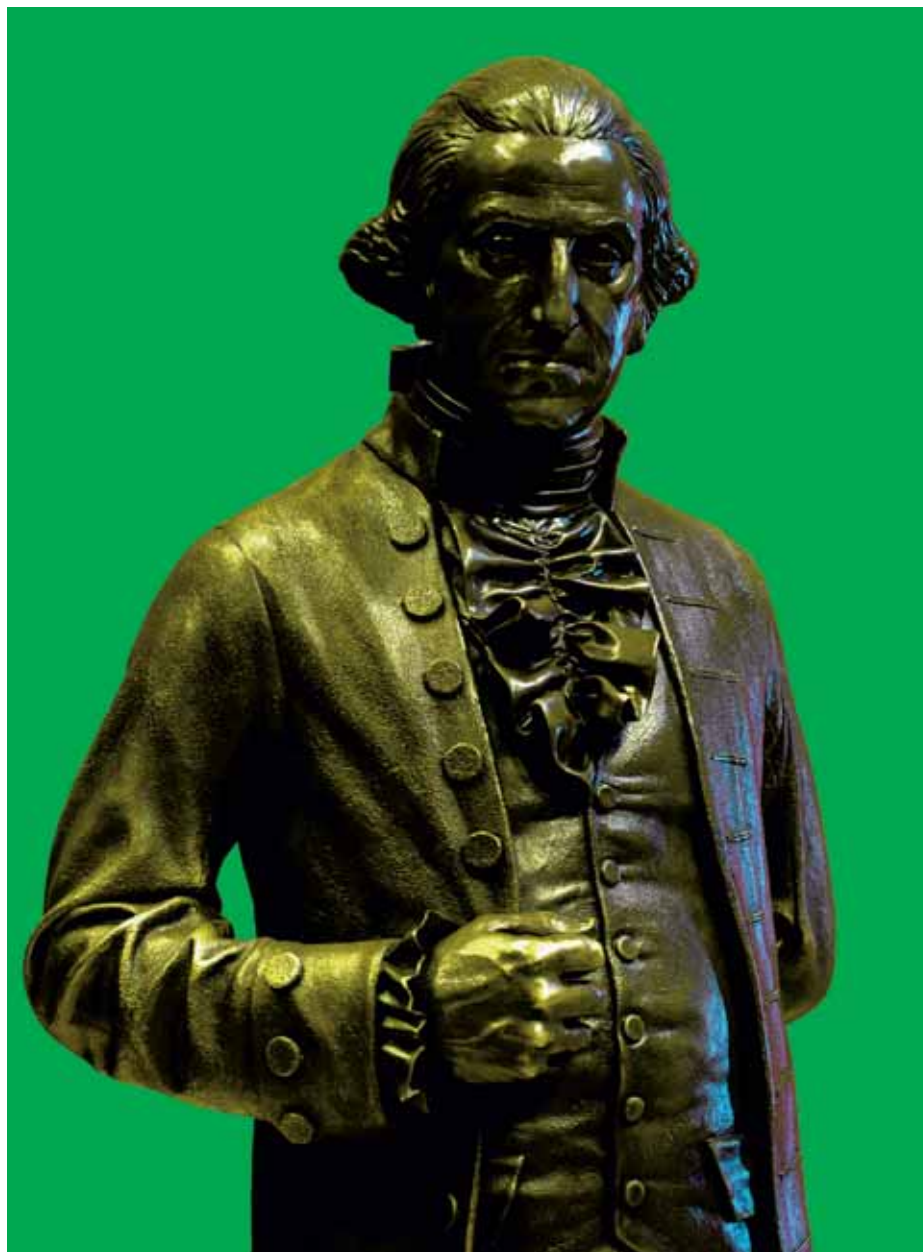
- Andrew Buttarro

*Join the Argument: The Irresistible Rise of the Federalist Society*

THE WEEKLY STANDARD

On this site, constitutional experts interact with each other to explore the Constitution's history and what it means today. For each provision of the Constitution, scholars of different perspectives discuss what they agree upon, and what they disagree about. These experts were selected with the guidance of leaders of two prominent constitutional law organizations—The American Constitution Society and The Federalist Society.

- National Constitution Center  
*Interactive Constitution*





## The Federalist Society has a new headquarters

Fed Soc's national office moved from its old building to a brand new office space at 18th and I in northwest DC. The office is decorated with the unique artwork of Daniel Mahdavian. Visit our Facebook page to see pictures of the art and our website to see a video of the artist—or just flip through these pages for a sampling!

1776 | ST. NW



# STUDENT DIVISION



Left: Former U.S. Attorney General Michael Mukasey speaking at the Columbia Student Chapter's Financial Enforcement seminar.

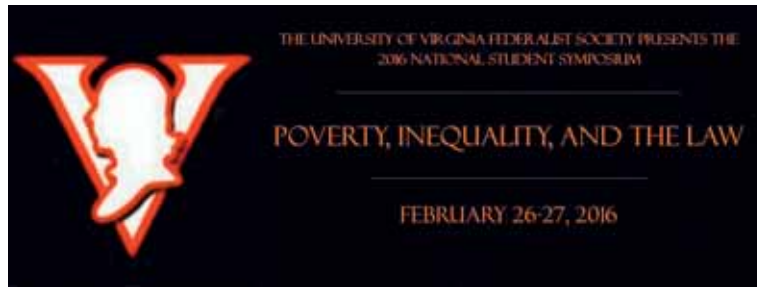
Above: Columbia students helping at the seminar.



The Florida Student Chapter's unofficial logo.



Texas Student Chapter members at the 2015 Texas Chapters Conference in September.



The National Student Symposium is coming soon! Mark your calendars for February 26th and 27th, and join us at UVA Law to hear a slate of superior scholars talk about poverty, inequality, and the law.

*From the UVA Fed Soc facebook event page:*

On the topic of poverty, liberals claim to have the definitive response. That response includes paternalism, entitlements, higher taxes, and a generally bigger and more active government. Despite liberals' insistence to the contrary, conservatives and libertarians also care about the poor, but they have their own ideas about how to lift people out of poverty. This symposium will explore these ideas.

## SPOTLIGHT

**Recruitment** season has already come and gone for our student chapters, and we have seen great success across the board. We look forward as always to a great year of bringing in conservative and libertarian speakers to offer alternatives to the reigning orthodoxy on law school campuses.

The lack of political diversity on campuses—including law school campuses—has been getting some attention lately, particularly through the work of scholars like those at the new Heterodox Academy blog. The Federalist Society, which has long been committed to combating this one-sidedness on law school campuses, continues its efforts by sponsoring events that present dissenting viewpoints, often in debate formats that allow professors to present their contrary views in response.

We believe this is important work and will continue to support diversity of viewpoint in law school and the legal profession.

## Student Leader Profile

*Dr. Riddhi Sohan Dasgupta,  
President of the Berkeley Law  
Student Chapter*

*We are thrilled to have the opportunity to profile an outstanding student leader for this issue of the Federalist Paper. Dr. Riddhi Sohan Dasgupta is a 3L at Berkeley Law, and he co-leads the Fed Soc chapter there. He agreed to answer some questions for us:*

### **What did you do before law school, and how did you decide to go to law school?**

I was fortunate enough to have the inspiration to be an attorney since my early teens. It was my first year in this great Nation. I had a civics teacher who inspired me to consider the law as a calling. Each evening, upon coming home from school, I used to read the latest judicial opinions and go on long runs thinking about textualism, originalism, and the role of the courts in administering consistency, predictability, and fidelity to the law. I was fortunate to attend Columbia University for college; there I studied Economics-Operations

Dr. Riddhi Sohan Dasgupta



Research and History. The jewel of Columbia is the CORE curriculum, which focuses on the classics and cultural literacy. But Columbia was special for another reason: I was asked to serve as assistant coach of a moot court team at that law school. Subsequently, I attended the University of Oxford for my M.Sc. in Comparative Policy, following which I was very blessed to attend the University of Cambridge for my Ph.D. in international law. My Ph.D. research concerned investment arbitration and the future of expropriation across international dispute settlement. Law and economics and civil procedure forcefully influenced me. My second book, *International Interplay: The Future of Expropriation Across International Dispute Settlement*, was published in 2013. After my Ph.D., I led a think-tank team's efforts on the Tunisian Constitution Project in the Arab Spring's aftermath. I think this is what my grandmother would want for me.

### **Why Berkeley?**

The constitutional law, international law, and law and economics communities at Berkeley are superb. In addition, the Bay Area is a fecund place for innovation, which creates both constructive opportunities as well as the chance to grow with the visionaries. The summer after my first year of law school, I worked for the Solicitor General of West Virginia—it was a great engagement. I was fortunate to have the opportunity to work on federal and state constitutional cases, including several briefs that went to the State Supreme Court of Appeals and to the federal courts. Last summer I worked as a summer associate at an international law firm's business litigation group; I was fortunate to receive exposure in both corporate and litigation spaces. Litigation and international arbitration appeal to me.



### **Why did you get involved with the Federalist Society, and why did you become a leader?**

I became a member because of the resonating strength of the Society's ideas, the collegiality and personal kindness of its Members, and the Society's commitment to fidelity to the law, to fairness, to equality, and to principles. The leadership was a mantle that came upon me because I think it is important to stand on principle while maintaining respectful, collegial relations with all the spheres within our legal spectrum. We will host nearly 20 events this year. We hosted the Solicitor General symposium last academic year and will host the Judicial Philosophy symposium this year.

### **What are some of your favorite things about being involved with the Federalist Society?**

To me, the Society is a family. I have met some of my closest friends here. The high level of rigor, quality of arguments, scope and exposure to multifaceted issues, the open-minded discussions, and the personal generosity of both the Society and its leaders such as Leonard, Gene, Lee, Peter, and Austin have been exemplary lodestars for me. I appreciate that they have

invited me to participate alongside some titans of the law at our colloquia. I'll always be grateful for the Society's contribution to public life and my personal and professional growth. Due to the Society's nomination, I presently am serving as Executive Editor of the Harvard Journal of Law and Public Policy's symposium issue. The Society has also given me the forum to write about constitutionalism, foreign policy, and international law in *Fortune* magazine, the Heritage Foundation's issue briefs, and other media outlets.

### **Who are your favorite judges?**

I admire jurists of principle, grace, courage, decency, humility, and coherence. Jurists who can endure intense pressure, with a touch of frothy good humor and even more importantly a lion's courage, are my heroes. I feel blessed to have been asked to clerk for two excellent jurists who epitomize these traits—Judge Consuelo Callahan on the U.S. Court of Appeals for the Ninth Circuit and Judge David Faber on the U.S. District Court for the Southern District of West Virginia.

*Thanks to Dr. Dasgupta for taking the time to answer these questions!*



# SPOTLIGHT

## Supreme Court Round-Up Events:

### HOUSTON

Held on August 4th  
at Hughes Hangar

featuring:

- Hon. Jerry Smith, 5th Circuit
- Hon. Jeff Boyd, Supreme Court of Texas
- Allyson Ho, Morgan Lewis
- Prof. Josh Blackman, South Texas Law
- Aaron Streett, Baker Botts

### LOS ANGELES

Held on August 5th  
at The California Club

featuring:

- Prof. John Eastman, Chapman Law
- Prof. Erwin Chemerinsky, Irvine Law
- Hon. Sandra Ikuta, 9th Circuit

### SAN FRANCISCO

Held on August 18th  
at Sheppard Mullin

featuring:

- Prof. Jesse Choper, Berkeley Law
- Prof. John Yoo, Berkeley Law

### MIAMI

Held on September 17th  
at Coral Gables Country Club

featuring:

- Hon. Miguel Estrada, Gibson Dunn

### ATLANTA

Held on September 29th  
at Bryan Cave

featuring:

- Kevin Newsom, Bradley Arant
- Britt Grant, Solicitor General of Georgia

### MILWAUKEE

Held on October 2nd  
at Milwaukee Athletic Club

featuring:

- Hon. Paul Clement, Bancroft

## WESTERN CHAPTERS CONFERENCE

Saturday,  
January 30, 2016

The Reagan Library  
40 Presidential Dr.  
Simi Valley, CA

The 2016 Western Chapters Conference will take place on January 30 at the Ronald Reagan Presidential Library. It will focus on “federalism and freedom” and will highlight the 50th anniversary of Ronald Reagan’s election as governor of California.

## FLORIDA CHAPTERS CONFERENCE

Friday-Saturday,  
January 22-23, 2016

Disney’s BoardWalk Inn  
2101 N. Epcot Res. Blvd.  
Lake Buena Vista, FL

The 2016 Annual Florida Chapters Conference will take place on January 22 and 23 at the Boardwalk Inn on Walt Disney World’s Resort grounds. The conference will include panels on health care, environmental law, religious liberties, and criminal law.



## Member Milestones

Mark Brnovich, Phoenix Chapter, Litigation Practice Group

- *Sworn in as Arizona Attorney General*

Lee Rudofsky, Vice President of NW Arkansas Chapter

- *Appointed Arkansas Solicitor General*

Matthew Schneider, former President of Michigan Chapter

- *Lead counsel for Michigan in Detroit bankruptcy litigation*

David Osborne, President of Harrisburg Chapter

- *Promoted to President & General Counsel of Fairness Center*



## The Rule of Law and the George W. Bush Administration *September 19, 2015 — Dallas*

The Texan contingent of the Federalist Society met for the 2015 Texas Chapters Conference on September 19 in Dallas. At the George W. Bush Presidential Center, the conference gathered together many former members of the Bush administration to divine the emerging long-term legal legacy of eight of the most formative years in modern American history.

President Bush himself made a surprise appearance at the beginning of the conference, and gave a humorous and thoughtful address about his view of the presidency. He also described the various joys of his life after

“spending eight years at one hundred miles per hour,” including painting, fitness, and grandchildren, and expressed how his parents’ light hearts inspired him to be the same. In all, President Bush offered the same cheer that he was known for all his life, and it proved a perfect start to a day full of stimulating discussion.

The conference was then treated to an excellent keynote address by Justice Samuel Alito. Justice Alito shared some thoughts about the most recent Supreme Court term and discussed the various developments in the law during his decade

on the Court. Justice Alito noted that the president has a constitutional duty to energetically execute and enforce the law, but pointed out that the steady accumulation of executive power in the past decade raises legitimate concerns. He then observed the increased challenges facing religious liberty after *Obergefell*, before moving on to a discussion of the varying protections for different kinds of speech. Justice Alito noted the explosion of thought and discourse about adapting privacy rights to this new technological age, and indicated that legislatures will play an important role in doing so.

Finally, Justice Alito noted the rise of textualism during his time on the Court. A panel on the judiciary was the final event of the conference. The attendants exited the auditorium in which the events had been held, and were treated to a reception in the foyer. The sight of over two hundred accomplished Federalist Society lawyers discussing the insights of the day was a treat in itself, and a fitting end to the conference.

*Please visit our website at [fedsoc.org](http://fedsoc.org) for audio and visual of this event, including panels on the war on terror and the 2008 financial crisis.*



Justice Samuel Alito at the Texas Chapters Conference.



President George W. Bush made a surprise appearance at the 2015 Texas Chapters Conference, which was held at his presidential library in Dallas.

By Victor Ratiu  
*Executive Vice President, Texas Student Chapter*

# FACULTY DIVISION

## THE CONSTITUTION: AN INTRODUCTION *by Michael Stokes Paulsen & Luke Paulsen* Review by Justice Samuel Alito (reprinted from ENGAGE, volume 16, issue 1)

The Constitution belongs to the American people. It is based on the proposition that all legitimate political power comes from “We the People,” and two centuries after its adoption, it is respected and cherished by ordinary Americans. When controversies arise about the exercise of power by the Congress, the President, or the courts, citizens turn to the Constitution for guidance.

Many Americans interested in understanding the Constitution naturally—and quite correctly—look first to the document itself, which is relatively brief and still quite

readable. But where should interested citizens look if they want to know more?

A new book by Michael Stokes Paulsen, a distinguished constitutional scholar, and his son, Luke, a recent college graduate, fits the bill. It provides a solid, intelligent, reliable, and interesting look at the origins of the Constitution, its basic structure, and its interpretation over the course of our country’s history.

Professor Paulsen and his son began this collaboration when Luke was in high school and continued throughout his college years at Prince-

ton. It is easy to imagine this process as a conversation between a father, who has been immersed in the study of the Constitution for his entire adult life, and a bright son, who brings a new perspective and challenges the father to explain and defend.

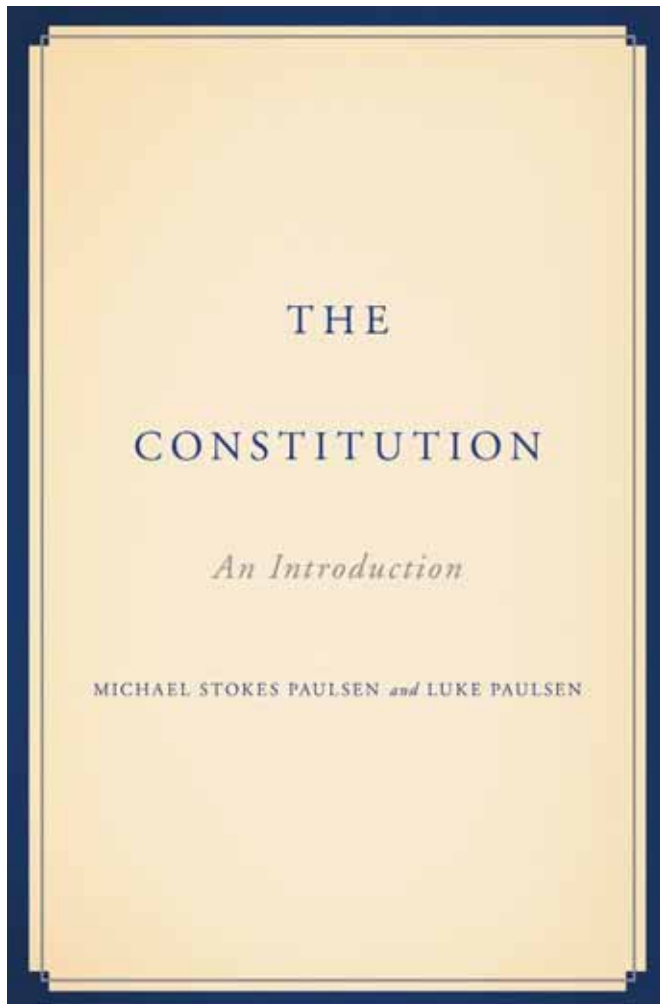
The book begins by retelling the extraordinary events that led to the drafting and ratification of the Constitution and the quick addition of the Bill of Rights. Then, in well under 100 pages, it elucidates the constitutional structure that the Constitution creates. The authors evidence a great respect for the work of the Founders, and they have harsh words for those who treat the Constitution like a Rohrschach blot. But they are also painfully honest about the flaws in the original design—and in particular, the Founders’ accommodation of slavery. The chapter devoted to this subject is one of the most interesting and will be instructive even for those who know a fair amount about the Constitution. (For example, how many lawyers know that, were it not for the infamous three-fifths provision, which counted a slave as three-fifths of a person for purposes of congressional apportionment, John Adams, not Thomas Jefferson, would have won the pivotal presidential election of 1800?)

After analyzing the constitutional text, the Paulsens provide a lively tour through 200 plus years of constitutional controversy and litigation. Famous and less well-known cases are recounted in accessible terms. Understanding some of the most important

cases in our country’s history, including *Marbury v. Madison* and the *Dred Scott* case, requires at least some comprehension of what most non-lawyers are likely to regard as arcane and boring procedural questions. But the Paulsens explain these preliminary matters without seeming to break a sweat. The Paulsens also enliven the story of our country’s constitutional experience by providing brief biographies of individuals who made that history.

The Paulsens’ book fairly presents both sides on major interpretive issues, but they do not hide their own point of view. They favor a form of originalism and judicial restraint. They are decidedly Hamiltonian in their view of national and presidential power, but at the same time they support a robust conception of the individual rights set out in the Bill of Rights and post-Civil War Amendments. Substantive due process, which they trace back to *Dred Scott*, however, is another matter.

An appreciable percentage of those who read this impressive book are likely to disagree with the authors on at least some major points, and that is one of the book’s virtues. It invites readers to become personally engaged in the discussion of the Constitution that began in the fall of 1787 when the citizens of the states debated ratification, and this process continues today. The Paulsens’ book does not tell Americans what to think, but it provides invaluable help as they think for themselves.





# SPOTLIGHT

## The 18th Annual Faculty Conference:

The 18th Annual Federalist Society Faculty Conference will be held Friday-Saturday, January 8-9, 2016 at the Sheraton New York Times Square Hotel, alongside the AALS Annual Meeting.

The conference will feature panels on the new skeptics of *Chevron* deference, upward redistribution and rent seeking, and American multiculturalism from 1776 to today. The annual luncheon debate will consider whether the FCC has authority to implement net neutrality.

Visit [fedsoc.org](http://fedsoc.org) for more details and to register. We hope to see you there!

Fri • Jan 8 • 2016 • 8a-7p  
Sat • Jan 9 • 2016 • 8a-2p  
NYC • Times Square • Sheraton



Above and right: Discussions at the July 2015 Faculty Administrative State Colloquium.



Below: 1st Annual James Kent Academy for law students who may be interested in becoming law professors.





**Supreme Court Preview:  
What Is in Store for October Term 2015?**

*Hosted by the Federalist Society's Practice Groups & Faculty Divisions on September 30. Watch the video on our website.*



Professor and Former FTC Commissioner Joshua Wright discusses his tenure at the FTC with Deborah Garza before a live studio audience at Covington & Burling's Washington, DC office. The discussion was broadcast live as a teleforum and recorded as a podcast.



FTC Commissioner Maureen Ohlhausen.

**A Tale of Two Agencies: Overlapping Jurisdiction of the FTC & FCC**

*Hosted by the Federalist Society's Telecommunications & Electronic Media Practice Group at the National Press Club*

Commissioners Maureen Ohlhausen and Ajit Pai, of the FTC and FCC respectively, joined the Federalist Society to discuss the potential for overlapping jurisdiction between their agencies in administering the new net neutrality rules. Each commissioner gave a brief presentation, and then moderator Alexander Okuliar guided a discussion between them and a question and answer period.

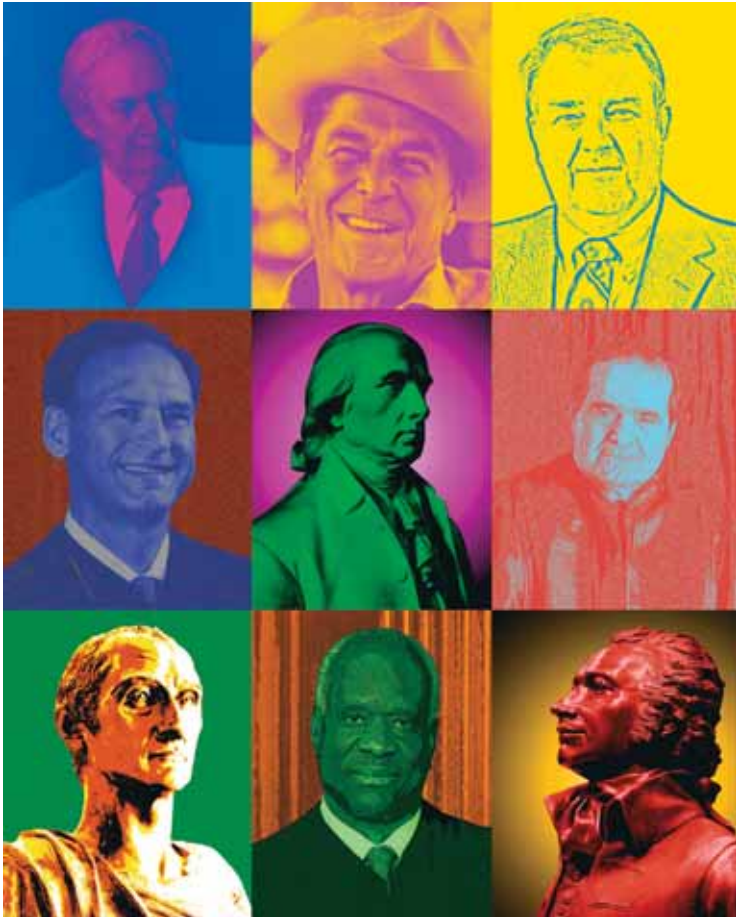
The FTC has traditionally regulated the internet by bringing enforcement actions to protect consumers from antitrust violations and fraud. But with the FCC's designation of internet service providers as common carriers, the government is beginning to view the internet as primarily a means of communication such that it comes within the FCC's jurisdiction and is regulated as a utility. The panelists agreed that this could cause great confusion among regulators.

Moderator Alexander Okuliar (left) & FCC Commissioner Ajit Pai (right).





# PRACTICE GROUPS



The Federalist Society's Practice Groups plan teleforum calls, publish articles, and host events.

Visit our website to learn more about these groups:

Administrative Law & Regulation  
Civil Rights  
Corporations, Securities & Antitrust  
Criminal Law & Procedure  
Environmental Law & Property Rights  
Federalism & Separation of Powers  
Financial Services & E-Commerce  
Free Speech & Election Law  
Intellectual Property  
International & National Security Law  
Labor & Employment Law  
Litigation  
Professional Responsibility & Legal Education  
Religious Liberties  
Telecommunications & Electronic Media

[fedsoc.org/practicegroups](http://fedsoc.org/practicegroups)

## SPOTLIGHT

### Teleforum Conference Calls and Podcasts:

This year, we have witnessed an explosion of interest in our live teleforum conference calls and the recordings of those calls that we release as podcasts. We have hosted over 120 calls so far in 2015, with over 11,000 callers total and up to 439 listeners on an individual call.

Calls are open to all Federalist Society members, and anyone can download a podcast once it is posted on our website.

Please visit our website for information on future calls, and to listen to any past calls you might have missed, including:

- **BY THE PEOPLE**  
*Charles Murray, Adam White*
- **How Long Are *Horne's* Horns?**  
*John Echeverria, Michael McConnell*
- **The Downsides of Civil Juries**  
*Renée Lettow Lerner, Suja Thomas*
- **THE CONSERVATIVE HEART**  
*Arthur Brooks*
- **Debating Birthright Citizenship**  
*John Eastman, John Yoo*
- **Congress as Iran Deal Enforcer?**  
*Alan Dershowitz, Dennis Ross*

*The Federalist Society is fortunate to have, not only a large number of dues-paying members, but significant numbers of long-time members who are actively engaged with its efforts. Chris Armstrong, Deputy Chief Oversight Counsel at the Senate Finance Committee, has been a loyal Fed Soc member since his law school days, and he agreed to answer a few questions for us:*

**What is your current job, and how did you get there?**

I work on the Senate Finance Committee for Chairman Orrin Hatch, handling congressional oversight and investigations. Given the Committee’s wide jurisdiction, this can involve everything from congressional investigations related to the Affordable Care Act, to oversight of the Treasury Department, to work on federal debt and entitlement programs. This is my second time on the Committee, after working during the 112th and 113th Congresses on the House Ways and Means Committee. The two committees deal with some of the most important issues facing the country, and both have incredible staff, so I’ve been fortunate to work in both offices.

I’ve also been fortunate to work for terrific members of Congress—Senators Orrin Hatch and Chuck Grassley and Congressman Dave Camp—who understand Congress’s constitutional role, not only in terms of legislating, but also in conducting oversight of the programs it creates and the taxpayer dollars it spends. It’s something Congress could always do a better job of, and working to improve that function has been incredibly rewarding.

**How long have you been involved with the Federalist Society? What has your involvement looked like?**

I reached out to Peter Redpath my first or second week of law school at the Catholic University of America. He immediately connected me with the network of conservative and libertarian lawyers across Washington—it’s how I met people who



## Member Profile: Chris Armstrong

remain some of my best friends and colleagues to this day.

I was president of my law school’s chapter during my second year of law school, and since then have helped organize the DC Young Lawyers Chapter and later the Capitol Hill Chapter, where I remain active. Serving on the Executive Committee of the Federalism and Separation of Powers Practice Group has also been an incredible experience and allowed me to work with some of the best lawyers in the country on administrative law, the role of Congress, and what I think are the fundamental questions about the future of our government.

**Who is your favorite founding father?**

This is a great question that could lead to some long debates among Federalist Society members. George Washington is of course the indispensable Founder. Without him—not only his leadership but his personal character and integrity—our great experiment would’ve never gotten off the ground. Stipulating that, Alexander Hamilton is my favorite at the

moment, inspired in part by Lin-Manuel Miranda’s new musical about his life. A penniless orphan from St. Croix pulls himself up to become a Revolutionary War hero, leading champion of our Constitution, author of most of the Federalist Papers, and father of our financial system, all through phenomenal levels of hard work, ambition, and persistence.

**Outside of work?**

My wife and I are longtime—sometimes longsuffering—Washington Nationals fans. Baseball teaches you a lot about life. Work hard, surround yourself with a good team, and remember that there’s always a fighting chance until that 27th out. And it’s important to pay attention to details and do the small stuff right—if you don’t do your best during that seemingly unimportant game in July, chances are you’re not going to get a chance to play on the big stage in October. Everything you do is worth doing well.

*Thanks to Chris Armstrong for taking the time to answer our questions, and for being a dedicated Fed Soc member!*



## Introducing the New FedSoc Blog

Visit [fedsoc.org/blog](http://fedsoc.org/blog) to find posts by legal experts covering every area of law, including:

SCOTUS Preview: Puerto Rico v. Sanchez Valle

by *Richard Pildes*

Ruminations on the Rule of Law

by *David Applegate*

A Speaker Must Be a Member of the House

by *David Forte*

SCOTUS Preview: Of Fisher II and Paper Tigers

by *Alison Somin*

SCOTUS Preview: Criminal Law

by *Kent Scheidegger*

States Get Wins Against Federal Overreach

by *Elbert Lin*

Civil Forfeiture: 3 Recent Cases (series)

by *Mary Beth Buchanan, John Schoemehl*

Picked up by  
SCOTUSblog:

### Wednesday Round-Up • October 14

At the FedSoc Blog, James Burnham discusses *United States v. Newman*, the insider trading case in which the Court recently denied review; he contends that, although the Court's "decision to deny the Solicitor General's petition for certiorari makes sense," "eventually, the Supreme Court will need to grapple with the headless monster that the crime of 'insider trading' has become."

### Friday Round-Up • October 9

At the FedSoc Blog, Richard Pildes previews *Puerto Rico v. Sanchez Valle*, in which the Court granted review last week, describing the issues in the case as "historically and legally fascinating, but also the most politically explosive and divisive issues in Puerto Rico: they go to the existential question of what Puerto Rico is and what its current and future relationship to the United States is and is likely to be."

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