

*How conservative ideas rose to a position of dominance in law and politics*

## The Federalist Society

### *How Conservatives Took the Law Back from Liberals*

MICHAEL AVERY and DANIELLE MCLAUGHLIN

Over the last thirty years, the Federalist Society for Law and Public Policy Studies has grown from a small group of disaffected conservative law students into an organization with extraordinary influence over American law and politics. Although the organization is unknown to the average citizen, this group of intellectuals has managed to monopolize the selection of federal judges, take over the Department of Justice, and control legal policy in the White House.

Today the Society claims that 45,000 conservative lawyers and law students are involved in its activities. Four Supreme Court Justices—Antonin Scalia, Clarence Thomas, John Roberts, and Samuel Alito—are current or former members. Every single federal judge appointed in the two Bush presidencies was either a Society member or approved by members. During the Bush years, young Federalist Society lawyers dominated the legal staffs of the Justice Department and other important government agencies.

The Society has lawyer chapters in every major city in the United States and student chapters in every accredited law school. Its membership includes economic conservatives, social conservatives, Christian conservatives, and libertarians, who differ with each other on significant issues, but who cooperate in advancing a broad conservative agenda.

How did this happen? How did this group of conservatives succeed in moving their theories into the mainstream of legal thought?

What is the range of positions of those associated with the Federalist Society in areas of legal and political controversy?

The authors survey these stances in separate chapters on

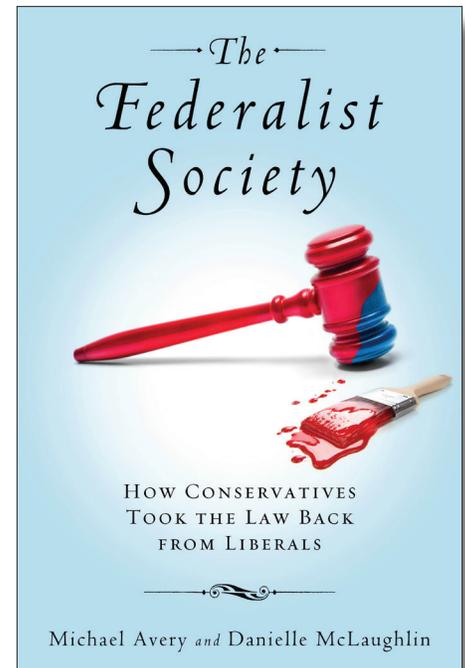
- regulation of business and private property;
- race and gender discrimination and affirmative action;
- personal sexual autonomy, including abortion and gay rights; and
- American exceptionalism and international law.



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"Michael Avery and Danielle McLaughlin have written a compelling book about how the Federalist Society came to prominence, its tremendous influence in Republican presidential administrations especially in the selection of judges, and its conservative ideology on major issues of constitutional law. It is a story of how ideas, money, and careful planning came together to change the legal landscape. This well-written book is a must read for all who want to understand the conservative movement in law, its views and those advancing them."

—**Erwin Chemerinsky**, *Dean and Distinguished Professor, University of California, Irvine School of Law*

"A compelling intellectual history of the rise of the powerful Federalist Society, this is a thoughtful recounting of all the ways in which the group has impacted and influenced legal doctrine, and a roadmap of what's to come should their ascendancy continue. Anyone who cares about the courts or the law will find *The Federalist Society* a stark reminder of the power of abstract ideas to effect real and lasting change for decades."

—**Dahlia Lithwick**, *Senior Editor, Slate.com*