



Corporate Funded Federalist Society Freeing Big Business from Public Oversight

by Marghi Hagen

On 1/21/2010 the Supreme Court ruled against the Federal Election Commission and thus in favor of corporate campaign financing by a 5-to-4 vote, overturning precedents that had been established only a few years earlier. The difference on the Court is two new members, Chief Justice Roberts and Justice Alito, who are both members of the Federalist Society. They were joined in the majority decision by Federalist Society founder Justice Antonin Scalia

On the surface, the Society appears relatively benign: "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. This entails reordering priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law."

Under the surface, however, there is a strategically organized behemoth with a virulent agenda to eliminate restrictions on corporate power, including campaign contributions to load the courts with conservative judges, and even deny right of habeas corpus in some cases.

Inspired by the rabidly right-wing Robert Bork, the Society began in 1982 as a fringe group of conservative law students who challenged the "orthodox, American Liberal ideology found in most law schools." By the 1990s, the society was boasting membership of some of the biggest names in right-wing national politics including Clarence Thomas and Ken Starr. Today the organization has 42,000 members, an annual budget of \$7 million and chapters on virtually every accredited law school campus. Its pro-corporate agenda is funded by some of the largest (and smallest) corporations in the world including Exxon Mobil, Chevron Texaco, Goldman Sachs, Microsoft, Time Warner, Coca-Cola, Goodrich, and Pfizer Pharmaceuticals.

Other funding has come from non-profit, supposedly non-partisan, foundations such as the Koch Foundation, a by-product of Koch Industries (commodities trading, petroleum, chemicals, energy, chemical technology), which was the second largest privately held company in the United States in 2008 and is a grantor to the Federalist Society of more than half a million dollars annually. Richard Mellon Scaife, who inherited his wealth from his oil and banking family, has donated more than \$3.3 million. The Bradley Foundation, an outcome of the sale of the Bradley

family business to Rockwell, the military weapons company, has contributed more than \$2.5 million to the Federalist Society. One observer writes:

The overall objective of the Bradley Foundation is to return the US—and the world—to the days before governments began to regulate Big Business, before corporations were forced to make concessions to an organized labor force.

The political right, unable to pound its desired changes for America through Congress and the Executive Branch, has undertaken to use the Judicial Branch—and is succeeding. All one has to do is examine the list of far right-leaning federal judges that have come to the bench in the past decade. Early in the Bush years, Justice Department jobs were shifted from senior career officials to John Ashcroft's advisors. *The Washington Post* reported in June 2008, "high ranking political appointees at the Justice Department labored to stock a prestigious hiring program with young conservatives in a five-year-long attempt to reshape the department's ranks. One Harvard Law School graduate said that when he applied for the honors program a few years ago he was warned by professors and fellow students to remove any liberal affiliations from his résumé.

The Federalist Society is far more than it makes out to be. As a separate, but strategically integrated organization with the American Enterprise Institute, NGO Watch, the National Federation of Independent Business, the National Rifle Association, their corporate patrons, the neo-conservative think tanks, and the religious right, it has become one of the most powerful political, social, and educational organizations in the world. University of Illinois Professor Jerry Landay described the group in the *Washington Monthly* as a "conservative Cabal that's transforming American Law." It's no wonder that Chief Justice Roberts, when queried about his membership in the Federalist Society at his confirmation hearings, replied that he couldn't recall.

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