



Russ Feingold
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American Constitution Society
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President and CEO
Federalist Society
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Delivered via e-mail

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Dear Mr. Feingold and Mr. Meyer:

This is Gabe Roth with Fix the Court. As you likely know, I've spoken at nearly two dozen joint FedSoc-ACS law student events across the country on Supreme Court reforms large and small, which I've enjoyed greatly.

In the spirit of that camaraderie, I write today to request that you make a concerted effort to host federal judges and justices nominated by presidents of both political parties at your national conventions this year.

Just over a year ago it was leaked that the Judicial Conference's Codes of Conduct Committee was considering new guidance for judges that would bar them from maintaining paid membership in either of the American Constitution Society or the Federalist Society. Even so, that draft made sure to note that "participation in events hosted by these organizations through speaking engagements, panel discussions, attendance, and the like, [...] is broadly permissible under the Code of Conduct for United States Judges."

Though the draft opinion was abandoned after an extensive public pressure campaign, I hope both of your organizations can work to address what initially motivated the opinion. The public sees the American Constitution Society and the Federalist Society as political entities with ties to the Democratic Party and the Republican Party, respectively. Of late, your organizations have done little to disabuse us of that notion: in 2019 all 23 appellate judges who spoke at the Federalist Society's national convention were appointed by Republican presidents, and all but one who spoke at the American Constitution Society's national convention were Democratic appointees.

I seek crossover attendance not to diminish the distinction between partisan politics and legal philosophy but to demonstrate to the public that the law, at its best, is something different from politics — that judges are not simply politicians in robes legislating their preferred policy preferences from the bench.

I hope you both agree that a diverse array of voices should be welcomed by the nation's foremost legal debating societies at their crowning annual events.

Sincerely,

Gabe Roth
Executive Director
Fix the Court