

The Carpetbagger Report

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An 'intimate, clandestine gathering of the secret Federalist Society'

At a black-tie shindig in DC, the Federalist Society, a powerful legal group that has become an influential conservative outlet for legal thinking, celebrated its 25th anniversary. Former solicitor general Ted Olson was the master of ceremonies, and quickly [poked fun](#) at liberals' notion of a shadowy right-wing organization. He welcomed the large audience to an "intimate, clandestine gathering of the secret Federalist Society."

Of course, with the president of the United States, three Supreme Court justices (Thomas, Scalia, and Alito), a former high court nominee (Bork), and a former Attorney General (Ashcroft) on hand, it's probably a little late for the Federalist Society to joke about its role as obscure outsider raging against a liberal machine. Indeed, these guys, regrettably, shed the underdog label quite a while ago. As ACLU President Nadine Strossen noted, liberal law professors might still be writing the law review articles, but conservatives are writing the laws.

It's hardly the most substantive of observations, but I couldn't help but notice that Clarence Thomas, one of the three sitting high-court justices on hand, [doesn't exactly inspire confidence](#) with his public appearances.

[T]here were signs that Thomas is not a regular on the speaking circuit. "You know, it's really hard to talk up here when this guy in front of me keeps moving," Thomas announced early in his speech. He was referring to a television screen on the floor in front of him that was showing his own image — but because nobody but Thomas could see the TV, nobody knew what he was talking about.

"It's me! I see myself moving around!" Thomas explained, then let out a resonant laugh: "Ha-ha-ha-ha-ha-ha-ha!" He continued: "This guy keeps moving around in front of me. Jeez! At any rate, stop looking at this guy in front of me! Ha-ha-ha-ha-ha-ha! You look at it and think, it's too much of a good thing!"

A technician covered up the offending screen with a black cloth.

Thomas, who is well known for not saying a word during 16 years of oral arguments, probably should start bringing his reticence on the road with him.

For what it's worth, Bush spent some time [lamenting the fact](#) that the Senate doesn't let him stack the federal courts with more Federalist Society members.

Most of Bush's remarks Thursday night attacked the Senate confirmation process as harsh and partisan. "Senate confirmation is part of the Constitution's checks and balances. But it was never intended to be a license to ruin the good name that a nominee has worked a lifetime to build," Bush said.

He also said many qualified lawyers had "politely declined" judicial nominations "because of the ugliness, uncertainty and delay that now characterizes the confirmation process."

Since taking office in 2001, Bush has put 293 new judges on the federal courts, including Roberts and Alito on the Supreme Court. There are currently 47 vacancies in the federal court system, which has 875 judges. Bush has made nominations for 21 of those 47 seats.

Taking issue with Bush's comments, Glenn Sugameli, senior judicial counsel for the environmental group Earthjustice said the president had passed over well-qualified moderates for judgeships, instead choosing candidates who were sure to gain opposition.

He cited as an example a vacancy on the 4th U.S. Circuit Court of Appeals in Virginia; the White House, he said, passed over five lawyers recommended by Virginia's senators, Republican John W. Warner and Democrat Jim Webb.

"All too often, President Bush's previous and current nominees for lifetime federal judgeships have been chosen precisely because their extreme records will reignite ideological battles," Sugameli said.

Well, at least Bush didn't say, "It's me! I see myself moving around!"