

## THE FEDERALIST SOCIETY

Senior Counsel Section

Co-Chairs: Thomas Newcomb Hyde, Attorney at Law; and David Rieth - Rieth & Ritchie, P.A.



In May, attorney Morgan Streetman, the president of the Tampa Bay Lawyers Chapter of the Federalist Society, spoke at the Senior Counsel Luncheon to over 30 people, including United States District Court Judge Elizabeth Kovachevich; Second District Court of Appeals Judges Edward LaRose and John Badalamenti; Hillsborough County Circuit Court Judges Edward Bergman and Bernard Silver; and County Court Judge Michael Williams.

The Federalist Society was founded in 1982 at the University of Chicago Law School and Yale Law School under the leadership of Professor Antonin Scalia at Chicago and Professor Robert Bork at Yale. Today, there is a Federalist Society Student Chapter at every law school in Florida. There are also Lawyers Chapters in Jacksonville, Miami, Orlando, Tallahassee, and here in Tampa Bay.

At the May Senior Counsel luncheon, Streetman discussed the organization and its history. The Federalist Society for Law and Public Policy is a group of conservatives and libertarians interested in the state of legal order in the United States. The Society is founded on three core principles: the state exists to preserve freedom; the separation of governmental

powers is central to our Constitution; and that it is emphatically the province and duty of the judiciary to say what the law is, not what the law should be.

The Federalist Society contends, as Streetman explained, that the American legal system is best understood in accordance with a textualist or originalist interpretation of the U.S. Constitution. Referring to the Federalist Society, Professor Samuel Issacharoff of New York University School of Law, said, “They believe that the text of the Constitution strictly limits what Congress and judges can do. So they embrace a whole series of doctrines that say Congress can’t do anything unless it’s specifically authorized in the Constitution. And then administrative agencies can’t do anything unless Congress has specifically authorized it by law.”<sup>1</sup>

Streetman quoted directly from “The Federalist No. 78,” written by Alexander Hamilton under the pseudonym “Publius,” to describe the legislative, executive, and judiciary powers as outlined in the U.S. Constitution:

“The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated.



**“The judiciary has neither force nor will, but merely judgment.”**  
— Alexander Hamilton

The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever.”<sup>2</sup>

Thus, Hamilton explains that the judiciary has neither force nor will, but merely judgment.

The Tampa Bay Lawyers Chapter of the Federalist Society was founded in 1996. Their luncheons have featured speakers such as Supreme Court justices, professors of law, government attorneys, and other legal experts. One need not be a member to attend the luncheons. Additional information on the organization is available at: [www.fed-soc.org/chapters/detail/tampa-bay-lawyers-chapter](http://www.fed-soc.org/chapters/detail/tampa-bay-lawyers-chapter).

<sup>1</sup> The Conservative Pipeline to the Supreme Court,” Jeffrey Toobin, *The New Yorker*, Annals of the Law (April 17, 2017), available at <http://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>.

<sup>2</sup> “The Federalist No. 78, The Judiciary Department,” Alexander Hamilton, *Independent Journal* (June 14, 1788), available at <http://www.constitution.org/fed/federa78.htm>.

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