



February 28, 2011

Mr. Eugene Meyer, president
The Federalist Society
1015 18th Street, NW, Suite 425
Washington, DC 20036

Dear Mr. Meyer:

As you know, Common Cause has been engaged for several weeks in an effort to learn more the possible participation of Supreme Court Justices Antonin Scalia and Clarence Thomas in closed door, political strategy sessions hosted by Koch Industries. I'm writing today in hopes you can assist us.

On Jan. 21, the *Los Angeles Times* reported comments by Supreme Court spokeswoman Kathy Arberg that Justices Scalia and Thomas had attended Federalist Society dinners in southern California during January 2007 and '08, respectively, and that Justice Thomas made "a brief drop-by" at a separate, Koch-sponsored event during his trip.

Ms. Arberg's statements are inconsistent with an account of the trips reported in last Thursday's editions of the *Washington Post*. Recounting an interview with you, the Post said that while the Federalist Society paid for the trips by Justices Thomas and Scalia, it had **"no meetings of its own at the venue, an exclusive resort in Indian Wells, Calif."**

The Post went on to quote you as saying the society "knew the justices were going to be out there," and paraphrased your comment that "the attendees would be interested in hearing what they had to say."

These conflicting accounts raise issues which the Federalist Society is uniquely qualified to address. Were there any separate Federalist Society events in the Palm Springs area on the dates in question (Jan. 29, 2007 and Jan. 26-29, 2008)? If there was no Federalist meeting separate from the Koch event, as the Post suggests, how did you "(know) the justices were going to be out there?" If the society hosted the justices for dinners, as Ms. Arberg asserted, your release of written programs, schedules, attendance lists, minutes or transcripts of the justices' remarks at those events would help clarify the circumstances surrounding their trips.

We understand that the Federalist Society is a membership-only organization and under no legal obligation to release details of its private meetings. Under these circumstances however, we

believe the public interest in the maintenance of a fair and impartial judiciary argues strongly in favor of your release of any and all records surrounding the justices' trips.

Sincerely,

A handwritten signature in black ink, reading "Arn H. Pearson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Arn H. Pearson, Esq.
Vice President for Programs