Lawyers of the Right: Networks and Organization

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Abstract

Lawyers for conservative and libertarian causes are active in organizing and mobilizing interest groups within the conserv-ative coalition, and networks of relationships among those lawyers help to maintain and shape the coalition. Using data gathered in interviews with 72 such lawyers, the working paper analyzes characteristics of the lawyers and the structure of their networks. The findings suggest that the networks are divided into segments or blocks that are identified with particular constituencies, but that a distinct set of actors with an extensive range of relationships serves to bridge the constituencies. Measures of centrality and brokerage confirm the structural importance of these actors in the network, and a search of references in news media confirms their prominence or prestige. This "core" set of actors occupies the "structural hole" in the network that separates the business constituency from religious conservatives. Libertarians, who are located near the core of the network, also occupy an intermediate position. Causal analysis of the formation of ties within the network suggests that the Federalist Society has played an important role in bringing the lawyers together.

Influence is embedded in and shaped by networks of contact and communication. As David Knoke (1990, 1993) has suggested, networks are a kind of "political glue" in a fragmented, crowded polity dominated by organizational actors, and it is commonly observed that "networking" is crucial for influence in politics. Political networks are boundary-spanning and boundary-creating structures that affect the roles of organizational actors, including business corporations, voluntary associations, advocacy groups, foundations, think tanks, and state entities.

Where such networks exist, therefore, we should seek to understand the nature of their social organization and structure. Are there distinct clusters within the network, so that some sets of actors are separated from others? What is the relationship between positions in the network and the roles of the actors? Are some actors particularly influential, as brokers or leaders? If so, what are the attributes of those actors?

In this article, we examine networks of association among a selected set of lawyers who serve causes associated with the various constituencies of the American conservative coalition - - religious conservatives, nationalists, libertarians, and business interests - - and we explore the role of the Federalist Society for Law and Public Policy Studies in seeking to unify and mobilize these constituencies. Conservative lawyers have created scores of organizations devoted to their causes,[1] but relatively little scholarly

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[1] The founding of these organizations is part of a larger project of conservative institution building that began around the time of Barry Goldwater's failed 1964 presidential bid (Smith 1991).

attention has focused on the entrepreneurs who built these organizations or on the

particular contributions of lawyers.[2]

Several theory-driven procedures have been developed for analyzing network

data (for reviews, see Knoke 1994; Pappi and Henning 1998).[3] These techniques enable

researchers to examine patterns of integration and cleavage, cooperation and conflict,

influence and domination. Scholars typically measure network positions based on

cohesion (the extent to which two actors are linked to one another, both directly and

indirectly) or equivalence (the extent to which two actors share a similar profile of links

to other actors), and they then use this information to depict the structure of a network.

Here, we use both of these measures.

To assess the roles of particular lawyers, we examine their positions in the

network. "Centrality" measures identify actors occupying a central location, which is a

position correlated with power, influence, status, and control of information (Freeman

1979; Friedkin 1991; Bonacich 1987). Because these measures assay relationally defined

power, prestige, or influence, we use them as proxies for ability to lead. We also

consider whether the lawyers act as brokers. Some brokers may act as liaisons or neutral

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[2] Most studies of legal advocacy focus on the political left. There are relatively few published studies of

conservative public interest lawyers (but see Epstein 1985; Hatcher 2005; Houck 1984; O'Connor and

Epstein 1983; Hoover and den Dulk 2004; Krishnan and den Dulk 2002).

[3] Scholars have mapped network positions of a variety of elites, including community elites (Laumann and

Pappi 1976; Laumann and Knoke 1987; Padgett and Ansell 1993), Washington lobbyists (Heinz et al.

1993), financial elites (Kadushin 1995; Frank and Yasumoto 1998), and notable lawyers (Heinz and

Laumann 1982; Heinz et al. 2005).

arbitrators, while others may be more entrepreneurial, seeking to create and nurture winning coalitions. One indicator of the potential for brokerage is the presence of a "structural hole" (Burt 1992), which occurs when an actor is the only link connecting two others.

Finally, we investigate the importance of the Federalist Society for organizing contact among notable conservative lawyers. We employ a form of multiple regression to examine the importance of the Federalist Society in comparison to other factors, including social similarity (Caldeira and Patterson 1987; Kadushin 1995; McGuire 1993), geographic proximity (Caldeira and Patterson 1987), shared issue interests (Salisbury et al. 1987; Laumann, Knoke, and Kim 1985), and shared affiliations.

Roles of Elites

With elegant simplicity, Harold Lasswell (1936, 1950) defined "the influential" as "those who get the most of what there is to get." In *Power and Society* (1950), Lasswell and Abraham Kaplan, with considerably less elegance and simplicity, set forth a systematic taxonomy of varying types of social power and the factors that create or contribute to each, but they gave little attention to the variables that draw influentials together or drive them apart. A few years later, C. Wright Mills (1956) described the "power elite" as a clique of political insiders, thus directing our attention to networks among influentials. Mills sought to identify the mediators or brokers who create links among potential political players. He observed that elites "from the great law factories and investment firms…are almost professional go-betweens of economic, political and

military affairs…By the nature of their work, they transcend the narrower milieu of any one industry, and accordingly are in a position to speak and act for the corporate world or at least sizable sectors of it" (1956, 289). This mid-20th century social science drew on descriptive case studies and political histories, but few systematic data were available for use in evaluating the propositions.

The recent controversy over the aborted nomination of Harriet Miers for a seat on the Supreme Court demonstrates that the varying constituencies on the conservative side of the political spectrum may fail to present a united front, even when the stakes are high (Liasson 2005; Ponnuru 2005). In present-day American politics, the conservative electoral coalition includes not only the corporate interests referred to by Mills, but libertarians, religious conservatives, and other types of social conservatives (interests opposed to immigration, for example). This may make the current "power elite," if there is one, less cohesive than that posited by Mills. The "great law factories" (i.e., large law firms) of Mills's America may continue to wield influence in the corporate sector, as "go-betweens" or as concentrations of intellectual capital, but they may not play these roles for advocates of family values, school prayer, the right to bear arms, or the preservation of innocent life. Lawyers do play significant parts in these latter sorts of interest groups, however. They participate in creating and maintaining the organizations and represent them where law and public policy are made – courts, legislatures, agencies and the media (Southworth 2005). Lawyers' positions in these organizations may allow them to influence the building of alliances, but lawyers for social conservatives and lawyers for business interests occupy different social worlds (Heinz, Paik & Southworth 2003).

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Communication across the boundaries between those worlds is obviously

essential to coalition building. It has been observed that "information is a principal

medium of exchange in Washington" (Heinz, et al. 1993, 299). One study of

communication among national political elites examined whether actors in varying roles

and political sectors had the ability to contact a target person and get an informative

answer to a factual inquiry:

> A typical case might be something like this: Respondent represents the
>
> Amalgamated Avocado Producers. His clients are opposed to proposed labeling
>
> regulations dealing with vegetable fats. He therefore calls his opposite number at
>
> the Cottonseed Oil Processors Association and asks whether this matter is going
>
> to be an important priority for them – that is, whether they are going to expend
>
> substantial resources on it. He wants to know this, of course, in order to assess
>
> his chances for success. Now, he might ask this question of the Cottonseed Oil
>
> Processors Association regardless of whether he thought that their position on the
>
> matter was likely to be the same as his own. It might be mutually beneficial to
>
> share this sort of information even if the two groups were on opposite sides.
>
> (Ibid.)

In a social science utopia, we might hope to monitor such conversations among interest

group representatives and thus record the content of their communication and measure its

effects on political outcomes -- i.e., on the distribution of scarce values. In the real

world, however, this is not likely. Social scientists who insist on knowing what such

people have said to one another, in private conversations with public significance, will find themselves permitted to observe only a small and peculiar part of the world, if any.

Even if we were able to eavesdrop on these conversations, however, we might not comprehend their significance. A conversation that consists solely of small talk or of an exchange of pleasantries may lay the basis for favors in the future. Politicians keep readily accessible files with names of the spouses and children of people who might call them on the telephone. Contact of almost any kind provides potential for the cultivation of allegiances or, for that matter, for the development of enmity. The ability to contact someone, the ability to communicate, is -- at least potentially -- the ability to influence him or her. It is a common observation in Washington that the rate at which one's telephone calls are returned by elites is a good measure of power (Laumann et al. 1985, 484). In this paper, therefore, we analyze data concerning the extent of contact among a selected set of political actors – prominent lawyers active on behalf of a range of conservative causes.

The Context

During the past three decades, conservative and libertarian organizations have multiplied and become highly differentiated. In the 1970s, a few regional organizations represented the business perspective on regulatory matters, but now there are dozens of anti-regulatory groups, including some libertarian organizations that seek to distance themselves from large business interests. The policy agendas of Christian evangelicals, which in the early 1980s found expression primarily through the Christian Legal Society

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and the Rutherford Institute, now are advocated by groups differentiated by theology and issue. Single-issue advocacy organizations focus on affirmative action, home schooling, pornography, abortion, property rights, school vouchers, tort reform, taxes, criminal procedure, union activity, and guns. Organizations distinguish themselves from one another not only by their substantive specialization but by the types of strategies pursued: direct representation versus amicus briefs, grass-roots activism versus insider networking, research targeted toward Congress and the mainstream media versus scholarly publications directed primarily at judges and professors (Southworth 2005).

Most of the early conservative "public interest law" organizations were established outside the Washington, D.C., "Beltway" and were dominated by business interests (Horowitz 1980; Houck 1984), their missions ill-defined.[4] Few of these organizations attracted top lawyers or solid financial backing, and many of them failed within a decade. In the 1980s and 1990s, however, conservative lawyers established new organizations that pursued proactive strategies and more specific and coherent policy

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[4] The first conservative group to claim the public interest law mantle was the Pacific Legal Foundation, founded in 1973 (Houck 1984, 1456). By 1978, six more affiliated firms were created: the Southeastern Legal Foundation, in Atlanta; Mid-America Legal Foundation, in Chicago; Gulf and Great Plains Legal Foundation, in Kansas City; Mountain States Legal Foundation, in Denver; Mid-Atlantic Legal Foundation, in Philadelphia; and Capital Legal Foundation, in Washington, D.C. (Singer 1979, 2052). The late 1970s also saw the establishment of several independent conservative public interest law firms, including the New England Legal Foundation and the Washington Legal Foundation (O'Connor and Epstein 1989, 203).

agendas.[5] Conservative philanthropy supported research designed to generate legislative initiatives and to map detailed litigation campaigns.

A former foundation officer interviewed for this research said, "One of the things that had been learned from the early Reagan years was how important it would be to have an institutional conservative infrastructure, which then didn't exist, with a few exceptions…And so we built places like the Federalist Society."[6] The Federalist Society, an association of conservative and libertarian lawyers "dedicated to reforming the current legal order" (Federalist Society 2004a), was founded in 1982 by a group of law students who believed that the political left dominated and distorted American legal education (Abramson 1986). The Society's fifteen practice groups now sponsor conferences, generate publications, and promote involvement in public affairs. Although the

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[5] Protestant legal advocacy groups established in the 1980s included the Rutherford Institute, Home School Legal Defense Association, Concerned Women for America Education and Legal Defense Foundation, National Legal Foundation, and Liberty Counsel. Law and order organizations established in the 1980s include the Criminal Justice Legal Foundation and the Crime Victims Legal Advocacy Institute. The 1980s also saw the founding of libertarian organizations such as the Competitive Enterprise Institute's Free Market Legal Program, the Manhattan Institute's Center for Legal Policy, the Cato Institute's Center for Constitutional Studies, and the Center for Individual Rights. Conservative and libertarian organizations founded in the 1990s included Pat Robertson's American Center for Law and Justice, Clint Bolick's Institute for Justice, Defenders of Property Rights, the Alliance Defense Fund, National Law Center for Children and Families, Center for the Study of Popular Culture, Individual Rights Foundation, Becket Fund, Center for Equal Opportunity, American Civil Rights Union, The Claremont Institute's Center for Constitutional Jurisprudence, and the Foundation for Individual Rights in Education.

[6] Interview (June 2001).

Federalist Society takes no official public policy positions, admirers and critics alike observe that it has played an important role in staffing the Bush Administration and vetting federal judicial nominees (Broder 2005; DeParle 2005; Fletcher 2005). The Society says that it has "created a conservative and libertarian intellectual network that extends to all levels of the legal community" (Federalist Society 2004a). One of the objectives of this article is to assess the Federalist Society's part in organizing contact among conservative lawyers.

Research Design

Our data are drawn from 72 semi-structured interviews conducted in 2001 and 2002. In selecting the lawyers to interview, we first drew a sample of conservative nongovernmental organizations, using two basic methods: a decisional method, which assessed participation in "issue events," and a positional method, which used published listings of key organizations (Laumann, Marsden and Prensky 1989; Knoke 1994). We selected 17 legislative events that were important to several conservative constituencies and identified nongovernmental, nonprofit organizations that were active on the conservative side of each issue. The events, all of which occurred in 1995-1998, concerned partial birth abortion, affirmative action in federal programs, school prayer, product liability lawsuits, Superfund legislation, same-sex marriage, flag desecration, funding for the National Endowment for the Arts, the minimum wage, compulsory union dues, property rights under the Endangered Species Act, gun locks, a provision

of the 1995 crime bill regarding the use of illegally obtained evidence, securities class

actions, Bill Lann Lee's nomination to become Assistant Attorney General, funding for

the Legal Services Corporation, and a proposal to make English the official language of

the federal government. We then searched published accounts of these issues, which

produced the names of 81 organizations. To supplement that list, we used two directories

of conservative organizations: The Conservative Directory published by RightGuide.com,

and the Heritage Foundation's list of "U.S. Policy Organizations" (Wagner, Hilboldt, and

Korsvall 2000, 681). From these, we identified five additional organizations that were

particularly active in national policymaking.

   We then examined public records to identify lawyers affiliated with each

organization. We searched a variety of sources – including organization websites, board

lists, litigation records, and a database of legislative testimony – to find lawyers who

worked for the organizations as officers, litigators, board members, lobbyists, senior

scholars, etc. Seventy-six of the 86 organizations used lawyers in some capacity. We

requested interviews with 98 prominent lawyers for these organizations. Of those, we

were able to interview 72; thus, the response rate is 73%.[7] The respondents represented

56 of the 76 organizations that used lawyers.[8] The interviewed lawyers served the major

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[7] Of the lawyers not interviewed, seven did not respond, and we were unable to reach them. Three had

moved to other jobs. None explicitly refused to be interviewed. Scheduling problems (theirs and ours)

prevented us from interviewing 16 lawyers who appeared willing to meet with us.

[8] Organizations identified through the issue events method but not represented by interviewed lawyers

include six trade associations, three organizations that focused their efforts on only one state, two fraternal

organizations (the Benevolent and Protective Order of Elks, and the Loyal Order of Moose), the National

constituencies of the conservative coalition, with some variation by practice setting, geographic location, and age. There is little variation by gender. Only five of the interviewed lawyers were women, but few of the lawyers who serve conservative causes are women, and even fewer women are present in the ranks of the most prominent of these lawyers (Heinz, Paik, and Southworth 2003). Overall, the 72 respondents in the sample may be characterized as senior lawyers affiliated with conservative policy-planning organizations participating in national policy debates in 1995-1998.

The interviews collected information about demographic characteristics, career histories, civic involvement, and present work. In 59 of the interviews,[9] the respondent was asked to indicate the frequency of his or her contact with each of 50 notable conservative lawyers: "Please review this list of 50 lawyers. Of the ones you know, please indicate approximately how often you are in contact with these people: daily or almost daily, 2 or 3 times per week, weekly, 2 or 3 times per month, monthly, 2 or 3 times per year, or less often." The notables list included no more than one lawyer from each organization, and we sought to achieve variation in constituency, practice setting, geographic location, and age.[10] Only six women and one racial minority were on the list,

Association for the Advancement of White People, several groups that no longer exist, and an organization that engaged in "street theater."

[9] In a few cases, these data were collected after the interview.

[10] Although government lawyers undoubtedly play important roles in communication networks of conservative lawyers, our objective was to examine the roles of elite lawyers working for nongovernmental, nonprofit policy-planning organizations. Therefore, we did not include current

but we believe those small numbers reflect the composition of the pool. Although the lawyers included on the list were clearly prominent, we do not suggest that they were the *most* prominent lawyers engaged in the representation of conservative and libertarian causes.[11]

Twenty-six lawyers were both interviewed and included on the list of notables. For those twenty-six notables, we know the extent to which they claimed contact, and with whom, and the extent to which others claimed contact with them -- i.e., how often they contacted each of the twenty-five others during the last year, and vice versa. The other twenty-four of the fifty lawyers on the list of notables were not interviewed -- we have the respondents' indications of contact with them, but do not have their own responses. Thus, the network data can be partitioned into four sets of relations: (1) contacts among the interviewed notables (a 26 x 26 matrix), (2) contacts from the interviewed notables to the non-interviewed notables (a 26 x 24 matrix), (3) contacts from the other interviewees to the interviewed notables (a 33 x 26 matrix), and (4) contacts from the other interviewees to the non-interviewed notables (a 33 x 24 matrix).

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government officials. Two of the notables moved into government service after we selected them for the list. One of those lawyers later left government and returned to the private sector.

[11] However, we did invite respondents to identify any significant missing players. We asked, "Are there any important conservative groups or constituencies that you believe are not represented on this list? If so, what are the names of some of the lawyers who serve those groups or constituencies?" That question generated few additional lawyers' names, which tends to confirm the validity of our sample. Only two of these additional lawyers were interviewed, thus avoiding the limitations of a snowball sample.

We calculated two summary statistics -- mean nodal degree and network density - - to highlight the differences among these four sets of relations. Mean nodal degree is the average number of contacts received by lawyers in each set. We found that the twenty-six interviewed notables were more likely to have contacts among themselves than with the twenty-four who were not interviewed. Measuring contact at the level of two to three times per year or more, each of the 24 notables who were not interviewed was contacted by 5.2 of the interviewed notables, on average, while those in the interviewed set were each contacted by an average of 6.3 others. Similarly, the non-interviewed notables were contacted, on average, by 3.5 of the remaining respondents, while interviewed notables received contacts from an average of 5.5. These findings suggest that the interviewed notables were somewhat more prominent than those who were not interviewed.

Network density is simply the percentage of all possible ties that are present. In our case, because contacts were reported at several levels of frequency, we computed a measure of density at each of those levels. For example, the contact data among the twenty-six interviewed notables yielded 650 (26 x 25) possible ties -- each of the twenty-six notables could have had contacts with twenty-five others. At contact at least two to three times per year, the network density was 25%; at the level of monthly contact, it was 12%; and at two or three times per month, density was only 3%. We also compared densities across the four sets of relations. Again, at contact at least two to three times per

year, the density was 20% for the second set of relations (i.e., the network between interviewed and non-interviewed notables), 17% for the third, and 10% for the fourth.[12]

In this research, we focus primarily on the networks of association among the 26 interviewed notables. Although this interviewed subset not only received contacts from more persons but tended to be contacted more frequently, not everyone in this subset is in contact with everyone else, even infrequently, and contact monthly or more often is quite limited. Some of these notables have a relatively large number of contacts, however, while others are isolated. The five notables with the largest number of ties were contacted by an average of 13.6 of the other 25 notables as often as two to three times per year. The characteristics of these widely connected notables are of particular interest since they may serve as brokers or mediators.

Sample Characteristics

Table 1 presents some characteristics of the 26 notables. They come disproportionately from elite educational backgrounds and are overwhelmingly Republicans (73%). More than a fifth (23%) attended one of the six law schools categorized as "elite" in other studies (Heinz & Laumann 1982; Heinz et al. 2005).[13] By comparison, a 1995 survey found that only 13% of a random sample of Chicago lawyers

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[12] In addition, the densities were even lower at the level of monthly contact: 9%, 8%, and 3% for the second, third, and fourth sets of relations, respectively

[13] Law schools were ranked in four categories – elite, prestige, regional, and local – and are based on Heinz et al (2005).

had attended those schools. Another 31% of the twenty-six graduated from law schools

in the "prestige" category used in the Chicago study, as compared to 14% of the Chicago

bar. Thus, the educational credentials of these conservative elites appear to be more

prestigious than those of urban lawyers generally. The religious affiliations of the

notables are varied, but Protestants were most numerous (46%).[14] Most notables were

employed in advocacy organizations – think tanks, trade associations, or non-profits –

located in Washington, D.C. More than half worked in the D.C. metro area, with another

twelve percent located in other parts of Virginia. Most were primarily responsible for

legal issues or litigation, but 15% were executives of their organizations. Forty-two

percent were employed by the federal government during the presidential administrations

of Ronald Reagan or George H. W. Bush. On average, they maintained 6.5

organizational affiliations per notable, and their issue interests appear to span the gamut

of conservative constituencies. Eighty-eight percent of them were affiliated with an

organization in which at least one of the other 25 notables was active. Sixty-two percent

of the notables reported being a member of the Federalist Society.

[Table 1 about here]

Table 1 also presents the frequency of contact in the 650 possible dyadic ties –

i.e., from each notable to the 25 other notables. This measure is ordinal and skewed. In

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[14] Religious affiliation included the following categories: Protestant, Catholic, Jewish, and none.

Surprisingly, perhaps, nine of the twelve Protestants were affiliated with older, traditional denominations --

Methodists, Lutherans, Presbyterians, Episcopalians, and United Church of Christ (Congregationalist).

This may reflect the elite character of these lawyers.

75% of the dyads, the frequency of contact was either "less often" or "none" -- i.e.,

contact no more than once in the last year. Another 14% of the dyads consisted of

contacts several times per year but less than monthly, while 11% had monthly contacts or

more. Since we are interested in recurrent contacts, we focus only on contacts of 2 to 3

times per year or more often. Some of the measures commonly used in network analysis

employ dichotomous data. When using such measures, therefore, we are required to

choose a given level of frequency and observe whether each tie is or is not present at that

level. Because the number of contacts declines precipitously at a frequency greater than

2 to 3 times per year, we have chosen to use that level in order to retain cases and reduce

the fortuity and instability associated with small numbers. A higher threshold of

frequency of contact would exclude several notables from these analyses because they

would have no contacts. But the reader should be aware that the ties we analyze here

may involve contact only twice per year.

Network Structure

Figure 1a presents a graphic depiction of the connections (represented by arrows)

among twenty-four of the twenty-six notables (represented by circles) based on contact at

least twice during the twelve months prior to being interviewed. The points of the arrows

indicate reciprocated and unreciprocated contacts. The two notables not included in the

figure are isolates -- i.e., they are not in contact with any of the others with this

frequency. One of the isolates was an advocate for the right to carry guns, and the other

worked on an immigration issue.

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In this presentation, the locations of the notables were computed with a "spring embedding" algorithm (Eades 1984; Kamada and Kawai 1991; for a review, see Freeman 2005; Moody et al. 2005). Each notable has a set of connections to others, through paths of varying lengths. Some pairs of notables are directly in contact with each other; other pairs are connected only through intermediaries. Because each pair has multiple connections with other notables, both members of the pair are pulled in several directions at once. In the algorithm, these competing forces correspond to tension exerted by springs, and the springs pull against a constant force pushing the notables apart. The strength of the pull depends upon the closeness of the connections. The resulting location of each notable in the solution is a product of these several forces, operating simultaneously.

[Figures 1a-d about here]

The network is moderately dense, with 25% of all possible ties present. As noted above, each notable was contacted by 6.3 others, on average, but several notables located near the center of the space are linked to eleven or more. The overall pattern of the network shows a central, connected core surrounded by a rim of more peripheral actors. In hierarchal systems, contacts received are especially telling because there is a tendency to indicate contact "up" but not "down" in the status hierarchy. That is, respondents will be more likely to claim contact with those who rank above them than with those who rank below (Alexander 1963).

Figure 1b presents the same picture without the arrows but with labels indicating membership in one of the conservative constituencies (based on the notables' issue

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interests). The top of the space includes only lawyers serving religious and anti-abortion

interests, while the lower-right consists exclusively of business interests. Lawyers

focused on libertarian issues and affirmative action are clustered at the left. The figure

includes three notables labeled "mediators." This indicates that those lawyers were

employed by organizations that have broad issue agendas, spanning several conservative

constituencies. Because the respondents were promised anonymity, we will not identify

particular organizations for which the mediators worked, but examples of such

organizations include the American Enterprise Institute, Ethics and Public Policy Center,

Federalist Society, Hudson Institute, American Conservative Union, Committee for

Justice, and Heritage Foundation. The region labeled "core" includes seven notables, all

of whom receive ten or more contacts. The lawyers in the core may play a bridging role

between religious and business conservatives, but Figures 1a and 1b do not reveal the

nature of this role. Do they act as mere conduits for the transmission of information

between two powerful, competing constituencies, or do they direct, coordinate, and lead

these major wings of the conservative coalition? We will attempt to address this

question.

Figures 1c and 1d indicate additional characteristics of the structure of

relationships among these notables. Figure 1c presents the religious affiliations of the

lawyers. Note that there is a cluster of Catholics at the top of the space, but there is also

one Catholic among the seven notables in the core and one just to the left of the core.

Notables who are Jewish occupy an even more well-defined region of the space. They

are all found in a row across the bottom of the space, with one included within the core.

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Thus, religion appears to play a part in organizing the structure of relationships among the notables. Catholics are found predominantly among the religious conservatives, reflecting the salience of abortion, obscenity, and other moral issues, and Jewish notables are located in the libertarian and business areas of the space.

Figure 1d indicates active participation in the Federalist Society.[15] Note that the eight notables who do not participate, all of whom are in the religious and business constituencies, occupy peripheral positions in this structure. Thus, Federalist Society activity appears to be associated with network centrality.

Figure 2 presents a different graphic representation, with the addition of boundaries indicating categories derived through blockmodeling. As before, each node represents a notable lawyer; their locations are based on a multi-dimensional scaling (MDS) solution.[16] Here, network positions reflect structural equivalence – the extent to which actors occupy equivalent positions in the network. Structural equivalence is calculated as the extent to which pairs of notables shared contact with the same set of other notables (Wasserman and Faust 1994). Thus, proximity in the MDS indicates similarity in the pattern of contacts. In this analysis, we employed the Jaccard measure, which counts the number of positive matches in the contacts of each pair of notables as a proportion of the total number of their contacts. It is calculated as follows:

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[15] Two additional respondents indicated that they were members of the Federalist Society or had attended Federalist Society meetings but were not active.

[16] We employed non-metric MDS. The MDS solution had a stress of .16, which indicates adequate fit. See Freeman (2005) for an overview of these techniques.

structural equivalence = a / (a+b+c).

In a four-cell table for each pair of notables, (a) is the number of positive matches (where a notable is in contact with both members of the pair), (b) is the number of contacts with or made by the first member of the pair but not the second, (c) is the number of notables in contact with the second but not the first, and (d) is the number not in contact with either. The Jaccard measure disregards the last of these four categories.

[Figure 2 about here]

Having thus determined the positions of the notables in the MDS, we then superimposed on this analysis the results of blockmodeling. Blockmodels construct sets or groups of actors who share similar network positions in terms of structural equivalence, permitting us to examine network relations within and between different blocks (Wasserman and Faust 1994).[17] At a modest level of structural equivalence (.226), we find four blocks, indicated on the MDS in Figure 2: one composed entirely of business lawyers, one composed entirely of lawyers representing religious organizations, one in the center (which we have further subdivided), and a residual category including three lawyers from disparate constituencies. As we shall see, this residual block appears to be defined not by affinity among the three but by their relationships with others. At a higher level of structural equivalence (.364), the central block divides into a "core" block and a libertarian block. The density of connections within each block is indicated by the percentage shown within the block, and the extent of ties across the blocks is indicated by

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[17] To partition the notables into blocks, we employed single-link hierarchical cluster analysis on the Jaccard measure.

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arrows with percentages. The arrows indicate direction because the ties are asymmetric -- that is, A may choose B but B need not choose A. Where there is no arrow, there are no ties.

Figure 2 shows that results from the blockmodel and the MDS are quite consistent. Each of the five blocks – labeled as "business," "religious," "residual," "libertarian," and "core" – are spatially distinct from one another in the MDS. Within the business block, two-thirds of all possible ties are present. In the religious block, half are present. The three members of the residual block represent different constituencies, and they are not themselves connected -- none indicates contact with either of the others. They claim contact with the core but not with libertarians, even though the latter indicate 27% contact with them. This suggests that the three lawyers in the residual block are prominent, and perhaps influential, even though they are not well-integrated into the overall network. There are *no* ties between the business and religious blocks or between the residual block and the religious block. Any coordination between the business block and the religious block must occur through the center. Ties between the religious and libertarian blocks are very sparse -- only one or two in each direction. The religious block is thus connected to the rest of the network primarily through the core.

The core includes both libertarians and social conservatives, as well as mediators, but no business lawyers. The seven notables in the core block are exactly the same as those found in the core in Figures 1a-d. The core block has a very high density of connections (95%), while the libertarian block is considerably less connected (only 20%). Note also that the core receives many more contacts than it sends out. For example, the

religious block claims 31% of all possible contacts with the core, but the latter indicates only 20% of such contacts. The residual block claims 38% density of contacts with the core, while the core indicates 29% of those ties. This suggests that the core block occupies a position of importance and prestige in the network. This finding, coupled with the extraordinarily high density of connections within the block and its mediating position between business and religious conservatives, may indicate that its members coordinate the activities of several constituencies, thus requiring contact and communication. Below, we present centrality and brokerage measures that further explore this possibility.

The libertarian block also tends to receive more contacts than it claims (e.g., the business block indicates that 25% of all possible contacts are present, but the arrow in the other direction is only 10%). The libertarians, however, more often indicate contact with the core than does the latter with the former (71% vs. 60%), again suggesting that the core occupies a preferred position.

The essential structure of the network shown in Figure 2 is, then, very similar to the structure that we observed in Figure 1, even though the analyses use entirely different techniques. This suggests that the findings are robust -- that is, the structure of the network is the same regardless of the algorithm that one employs.

Brokers or Leaders?

We do not know the content of the communication that takes place among these lawyers, and therefore cannot specify with confidence who is leading whom. We can,

however, determine whether the notables (or some subset of them) occupy a structural position within the larger array of conservative interests that might permit them to serve as brokers among the several constituencies. Because we have data regarding the contacts with the notables by 33 conservative lawyers who were interviewed but were not on the notables list, we may assess the positions of the notables when viewed from the perspective of these other conservatives.

Perhaps, when the structure of the network is analyzed in terms of those relationships rather than by the ties among the notables themselves, the lawyers found in the core will be seen, instead, within their respective constituencies. This might occur if the core notables serve as something like an executive committee. That is, the core might include representatives of each of the major conservative constituencies, those representatives being charged with the task of coordinating communication among the several interest groups within the coalition. To perform this coordination function, the notables on the "executive committee" would need to communicate with one another, thus creating a core. In an analysis of the structure of contacts between the notables and the constituencies that they represent, however, the notables would tend to separate along interest group lines.

In a second possibility, the core notables would stand apart as a distinct, somewhat insular, set of elites. In this version, the core would have relatively little contact with the rank-and-file, and would enjoy relative autonomy and a privileged status. The power of the notables in the core might then derive less from the representation of particular interests than from their own prominence, experience, reputation, and

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connections. In such a structure, connections within the core would be more important

than relationships with constituents.

We have, therefore, computed yet another structural analysis, assessing the

relationships of the notables to the 33 other conservative lawyers. We again used

multidimensional scaling to analyze the contact structure. Notables contacted by the

same set of respondents among the 33 will be in close proximity, while those contacted

by differing sets will be separated. But this analysis, unlike the prior ones, uses data that

take into account how often the respondent contacted the notable (instead of using binary

data that reflect only whether or not a respondent contacted a particular notable, at a

given level of frequency).

The solution presented in Figure 3 has stress of .145 in three dimensions. A two-

dimensional solution has an unacceptable level of stress -- that is, it fails to represent the

relationships with sufficient accuracy. We have indicated the third dimension of the

space by placing up arrows next to points that are located high in that dimension and a

down arrow next to one point that is especially low. The reader may regard those points

as substantially above or below the plane of the page.

[Figure 3 about here]

In Figure 3, as in Figures 1 and 2, notables are clustered by constituency. The

religious notables are found within a well-defined region of the space, without exception,

and three of the five business notables form a tight cluster. These two sets are on

opposite sides of the space, indicating the marked separation of their constituencies.

Libertarian notables surround the core. Two of the notables representing business

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organizations, numbers 20 and 21, are found closer to the libertarians, with whom they have an ideological affinity.[18]

Five of the seven notables that were located in the core in Figures 1 and 2 are found at the right side of the space. The remaining two, both from religious organizations, are found clustered with their constituency. Thus, the two core notables who represent religious organizations appear to differ from the other five. The latter finding is consistent with the "executive committee" hypothesis, but the former (i.e., the grouping of the five) is consistent with the hypothesis that the core set is distinct.

This may indicate that the religious conservatives are less fully integrated into the coalition. Their core leaders appear to be more closely identified with the constituency than with the coalition leadership. The other five members of the core, however, remain tightly clustered, and are not located in the center of the space, where we would expect to find brokers. This suggests that they are not merely facilitators, supplying links, but leaders, providing direction. Constituencies may, of course, be kept in line by discipline rather than simply by the perception of mutual advantage. A leadership cadre can often grant or withhold things that the constituents want (e.g., legislation, judgeships).

Additional analysis of the relationships among the notables sheds further light on their potential for roles as brokers and/or leaders. The two roles, of course, are not

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[18] Cases that do not fit the interest profile of their region of the space are more likely in this analysis because contact with the notables by the 33 non-notables is less orderly, less clearly structured than contact among the notables themselves. Respondents who were not on the notables list have fewer contacts, and their contacts are more idiosyncratic (e.g., determined by employment in the same law firm or other practice setting).

mutually exclusive -- a broker may acquire power because of his or her ability to bring the parties together, and a leader may be able to produce deals simply because he or she has some coercive power. But, in their most extreme forms, there is a clear difference between a dictator and a message-carrier.

To address these issues, we have used "positional" measures designed to assess the extent to which an actor's location within the network provides opportunities or advantages for playing these roles. The first of these statistics is referred to as "in-degree centrality." This measures the number of contacts received by the notable (i.e., the number of incoming contacts) as a proportion of all contacts that could be received within the bounds of the network. As noted above, in hierarchical networks actors are more likely to indicate contact with those who rank above them than with those who rank lower in the status order. Thus, in-degree centrality is used as a measure of prestige (Wasserman and Faust 1994). As Goldthorpe and Hope noted (1972), prestige results from deference, which is a special kind of power (see also, Shils 1968).

A second statistic, "out-degree centrality," measures the extent to which the notable contacts others (i.e., the number of his or her outgoing contacts), again as a proportion of all possible contacts that the notable could make within the network. The ability to contact someone is, at least potentially, the ability to communicate with and thus, perhaps, influence him or her. This, then, is another possible type of power. We noted above that the ability to get one's telephone calls returned (or, today, the ability to get a response to one's email) is commonly taken to be an index of power.

Another measure counts the number of cases in which a notable is in contact with pairs of notables who are not, themselves, in contact with each other. The "number of brokered pairs" was calculated by counting the number of the notables' contacts with completely disconnected pairs (i.e., neither member reported contact with the other) and adding .5 for each additional pair where one member of the pair reported contact but the other did not. This is a measure of brokerage.[19] By contacting both members of a disconnected pair, the notable provides a potential link, suggesting that he or she may be able to act as a broker.

[Table 2 about here]

Table 2 presents the scores on these three measures for each notable and averages for the sets of notables included within the blocks shown in Figure 2. Two of the notables found in the core in our structural analyses, numbers 17 and 18, have the highest scores on all three measures. This suggests that they enjoy high status, have the ability to contact others, and are in a position to act as brokers. Both of them are employed by mediator organizations. Note that the core block has the highest average score on all three measures, again suggesting its preeminent position in the network. The difference between the core and the other blocks on the brokerage measure is especially striking - - its average score is 52, while the next highest block (libertarian) has a score of 16. The average for the core on the in-degree centrality measure is 55, while the other blocks have scores ranging from 15 to 27. (The isolates, of course, are connected to none of the other

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[19] Unlike the brokerage measure of Gould and Fernandez (1989), our measure does not consider whether other notables may also act as brokers.

notables.) On out-degree centrality, the core's average is 48, as compared to from 12 to 32 in the other blocks. The libertarian block consistently has the second highest scores; we should recall that that block was also located near the center in Figure 2.

Thus, by these measures, the notables in the core appear to occupy key positions in the network. They are in contact with a wide range of actors, including disparate constituencies, and they provide links between segments of the network that are otherwise unconnected. Their high status, as indicated by their in-degree centrality, indicates potential for power and leadership, and their locations in the network may permit them to act as brokers.

The findings reported thus far rely exclusively on analyses of the data gathered in interviews with these lawyers. We turn now, however, to an analysis using data exogenous to these responses as, in a sense, a validity check. We want to see whether indicators drawn from other sources, not generated for the purposes of this project, tend to confirm or disconfirm the inferences made thus far. As a measure of the relative prominence of these several lawyers, therefore, we searched published news stories. We counted the number of articles in both general and legal newspapers that mentioned each notable in 2001 and 2002.[20] We then examined the degree of association between the three positional measures and our count of newspaper mentions. The findings are

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[20] This count (mean=48, median=17, s.d.=68) included mentions in both Lexis/Nexis's general news and legal news databases. We treated articles in different newspapers as separate mentions; nevertheless, the results were quite similar when duplicates were treated as a single mention. Because of the small sample size (N=26), we used the 10% error level in tests of significance.

summarized in Table 3. The procedure used here is negative binomial regression, a

model that can be applied to count data, such as newspaper mentions.

[Table 3 about here]

As the table indicates, in-degree centrality (b=.04, p=.01) is significantly

associated with the notables' number of mentions in the Lexis/Nexis databases. Out-

degree centrality (b=.02, p=.15), however, is not. This is consistent with the proposition

that the number of contacts received measures status or prestige. Prominence is reflected

in mentions in the news. The ability to contact others, however, even though it provides

the potential for influence, may be less easily observed by journalists. The contacts may

be private, confidential. The brokerage measure (b=.02, p=.05) is less strongly

significant, suggesting a positive, yet weaker association with prominence. In sum, we

find evidence that the lawyers who occupy the region of the network that we have labeled

the core possess prestige and occupy positions that link other actors, giving them the

potential to act as brokers. These assets are convertible to power; they provide, at the

very least, opportunities for influence. It seems reasonable to assume that these notables

do, in fact, capitalize on these advantages, and that the lawyers in the core are, then,

examples of what Lasswell called "the influential."

What Generates Connections?

Having given attention to the structure of the network, we now consider the

processes that shape it. Our findings suggest two ways in which political networks of this

kind might evolve. First, they might be "naturally-occurring," created by the affinities

among a set of interest groups when each group simply pursues its own agenda. Thus, in our case, the interests of the business groups may coincide with those of the libertarians, which in turn share personnel (and/or funding sources) with mediator organizations that seek to speak for a broader constituency, and these then overlap with some of the social conservatives. In this version of the creation story, each group engages not only in internal cooperation and coordination but also in "cross-talk," varying in degree from issue to issue and time to time. Thus, notables cooperate with those who are proximate to them, ideologically and functionally.

These proximate actors are better positioned to provide or withhold resources, access, information, or esteem sufficient to justify the costs of maintaining the relationships. In the language of public-goods theory, they are able to offer "selective incentives" that overcome the "free-rider problem" in collective action (Olson 1965). Game theory suggests that, in repeated games, cooperative relations are rational and advantageous if the expected value of future interactions outweighs the costs of maintaining these relations (Axelrod 1984). Since communication is an essential component of political influence as well as of joint mobilization, actors who are functionally similar (e.g., business lawyers) or ideologically proximate (e.g., business and libertarian lawyers) can expect a steady stream of future policy events or opportunities that will occasion the use of selective incentives. Thus, the "shadow of the future" looms large for proximate notables and encourages cooperation.

In the alternative, a political network might be "crafted" – i.e., entrepreneurs or organizers (Becker 1963, Salisbury 1969, Marwell and Oliver 1993) build a coalition by

providing incentives for cooperation and the construction of channels of communication. Incentives may include funding, logrolling, and organizational support, which may also sustain shared participatory identities. Organizers seek to create solidarity based on participation. In this alternative version, the structure has a real center. Central direction may not always be effective, on all issues, but it is always present and it seeks to pull the team together.

To investigate these processes, we performed a multiple regression quadratic assignment procedure (MRQAP).[21] The dependent variable in this model is the binary indicator of contact at least 2 to 3 times per year, while the independent variables measured whether pairs of notables shared the characteristics summarized in Table 1.[22]

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[21] Since each of the 26 notables contributed 25 reported ties to other notables (26*25=650 observations), these data are likely to be severely autocorrelated, which causes inefficient estimation of standard errors. The MRQAP uses ordinary least squares (OLS) to estimate coefficients and a non-parametric, permutation-based approach to make statistical inferences in network regression (Baker and Huber 1981; Krackhardt 1987, 1988). The MRQAP randomly permuted the rows and the corresponding columns of the dependent matrix and then regressed the permuted matrix to obtain new coefficient estimates. These permutations were performed 2,000 times and had the effect of maintaining the dependencies in the data, while generating a reference distribution of possible regression coefficients for each independent variable. Statistical inference takes the form of an exact test: p-values were estimated by comparing observed coefficient estimates against the reference distributions.

[22] The MRQAP takes the form of a linear probability model – OLS on a binary dependent variable. Ideally, we would have employed a logistic QAP to these data, but this routine was not available. To compare our results, we performed a random-effects logistic regression. The results (available upon request) were quite

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For example, two notables who were members of the same political party were coded with a 1, while pairs with different party affiliations were coded as 0. Table 4 presents the findings. In terms of goodness of fit, the model R^2 (.24) and MRQAP significance test (p=.000) indicate that the included explanatory variables – similarities and differences in the characteristics of notables – explain a considerable proportion of reported contacts between notables.

[Table 4 about here]

Several variables have little association with the likelihood of contact between notables. As indicated in the table, personal characteristics, including age, religious affiliation, activity in religious institutions, and type of law school attended, do not significantly increase the likelihood of contact among the notables. Thus, the "old school tie" and social similarity (insofar as we are able to measure it) do not appear to be important factors bringing these lawyers together. Nor, for the most part, does the context in which they work (see "same organizational setting," "same work roles," and "geographic propinquity").

In contrast, we find that several indicators of shared political interests and affiliations are associated with increased probabilities of contact. Having the same party affiliation and shared service in the last two Republican administrations are both positively associated with contact probability, but are only significant at .10. Joint

similar, but the linear probability model appears to be more conservative with respect to statistical inference.

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participation in prior litigation (b=.22, p=.014) is highly significant. That is, if two notables have in the past worked on the same litigated cases, they are 22% more likely to be in contact. Similarly, and not surprisingly, if notables participate in the same organizations (b=.09, p=.045), they are likely to share concerns and thus to be in contact. Since all four of these variables are related to "shared issue interests," however, it is the more remarkable that the latter emerges as so highly significant in this analysis (b=.17, p=.001), net of these other effects. Clearly, a shared commitment to particular goals or causes is very important in generating communication among the notables, as we would expect.

The most interesting finding here, however, is the very strong effect of membership in the Federalist Society. This affiliation is associated with a 25% increase in the likelihood of intra-group contacts (i.e., contacts among members, as well as contacts within the non-member category) over inter-group contacts (i.e., contacts between members and non-members). Thus, even when taking account of constituency, shared interest, and other affiliations, the Federalist Society contributes importantly to bringing the notables together.

At least since the Supreme Court decided the 2000 presidential election in Bush v. Gore, 531 U.S. 98 (2000), journalists and political pundits have remarked upon the influence of the Federalist Society (e.g., Chaddock 2005; DeParle 2005; Fletcher 2005; Savage 2005). The organization has grown to 35,000 members, with attorney chapters in 60 cities and student chapters in every major American law school. Its annual conventions in Washington, D.C. attract thousands of lawyers, law students, and scholars.

Speakers at the 2005 convention included Karl Rove, the President's chief political strategist; Paul Clement, U.S. Solicitor General; Theodore Olson, the former U.S. Solicitor General who successfully argued Bush v. Gore; Massachusetts Governor Mitt Romney; Kenneth W. Starr, former U.S. Solicitor General and Independent Prosecutor in the Whitewater investigation; Edwin Meese III, Attorney General under President Reagan and now a policy fellow at the Heritage Foundation; Robert Bork, former federal appellate judge and U.S. Supreme Court nominee rejected by the Senate in 1987; C. Boyden Gray, White House counsel to the first President Bush; John Engler, President of the National Association of Manufacturers; and more than a dozen federal appellate judges. On the opening morning of the convention, President Bush met with the organization's leaders at the White House (Kirkpatrick 2005).

One of the respondents observed that the Federalist Society "seems to be the vast connector. I think they have been very successful in what they have set out to do."[23] Another called the Federalist Society and the Heritage Foundation the "crossroads of the conservative movement."[24] A member of the Society said:

> We do have a fair number of traditional conservatives, [and] a decent number of libertarian conservatives…As you know, traditionalists and libertarians could well disagree in some areas. Similarly, you could have business conservatives and religious conservatives, and these groups sometimes do not always see eye to eye. We do, I think, do an effective job of bringing these various groups together and

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[23] Interview (Dec. 2001).

[24] Interview (Nov. 2001).

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having them better appreciate their shared commitment to a very fundamental set

of principles that we think are the bedrock of our legal system.[25]

One lawyer said that "The Federalist Society has made a major, major contribution

to…communication" within the coalition, and another asserted that "in a lot of ways, the

Federalist Society, at least for the legal movement, is a mediating institution for the

center right."[26] The Federalist Society appears to facilitate an active "participatory

identity," a shared sense of mobilization, which then leads individuals to develop contacts

with similarly mobilized individuals.

Others observed, however, that the Federalist Society's attempt to create a larger,

integrated network was not completely successful. A religious lawyer, indicating the

primacy of issue interests, commented:

> The Federalist Society had a workshop about faith-based initiatives at their last
>
> big event in Washington… They do have a religious liberty section… But my
>
> impression is that it's not the first thing that I think of where Christian religious
>
> liberty advocates or Christian lawyers…, cultural conservatives,… get together.
>
> It's gonna be something else, it's gonna be Alliance Defense Fund probably or
>
> informally.[27]

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[25] Interview (Sept. 2002).

[26] Interviews (Mar 2002 and Sept. 2002).

[27] Interview (Oct. 2001).

While reviewing the notables list, a religious lawyer said, "A lot of these folks are more like economic libertarian types and it's just that… we don't run in the same circles."[28] Another lawyer for religious groups noted that "sometimes the religious conservatives tend to be mistrustful of the country club conservatives."[29] A business lawyer said, "the religious right…makes my skin crawl."[30] A lawyer for a libertarian organization observed, "We are seeing now more emphasis on cooperation, but we come together for a like interest on a case or on a project… There is no real established interconnectivity that means we are all functioning parts of a whole or anything."[31]

These comments indicate that the patterns of contact are produced by aversion as well as attraction. Taken together, the analyses suggest that contact among the notables is organized by constituency and ideological proximity, which are closely related factors, and by a social movement organization, the Federalist Society, which engages in a conscious strategy of consensus-building and mobilization. The brokerage position of the core block reflects Federalist Society activity. This is not the same thing as the extent of overlapping organizational affiliations generally, a correlate identified in prior research (Fernandez and McAdam 1988). These patterns of political communication reflect mobilization by an elite center.

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[28] Interview (Oct. 2001).

[29] Interview (Dec. 2001).

[30] Interview (Jan. 2002).

[31] Interview (Mar. 2002).

Prior research found that social homophily and geographic propinquity were associated with ties in political networks (e.g., Caldeira and Patterson 1987; McGuire 1993), but we found little evidence of such effects. Age, religious affiliation, activity in religious institutions, law-school prestige, type of organizational setting, work roles, geographic propinquity, party affiliation, and service in prior Republican administrations were all non-significant. Because our sample is drawn from a narrow stratum, with little variance in social class, race/ethnicity, or gender, we cannot assess the "power-elite" tradition in political sociology, which emphasizes the importance of class interests. The fact that the sample is overwhelmingly white and male, however, may suggest that homophily influences who becomes a notable in the first place.

The two major constituencies in conservative politics – business interests and social conservatives – share few common interests, except their interest in the benefits of a dominant coalition. We observed no direct ties between these two groups in our blockmodels, but both are linked to a core block, which is heterogeneous yet dominated by lawyers best characterized as libertarians and mediators.

Conclusion

While some of the earlier research on political networks focused on the integrative importance of core or central actors (Laumann and Pappi 1976; Galaskiewicz 1979, Useem 1983; Domhoff 1983; Dye 1986), more recent research has highlighted the significance of "structural holes" (White, Boorman, and Breiger 1976; Burt 1992; Padgett and Ansell 1993; Gould and Fernandez 1987; Fernandez and Gould 1994) – places in

networks where there is a lack of direct connection. Structural holes present both risks and rewards: they are difficult to occupy, but tend to create entrepreneurial opportunities for those who can bridge disconnected parts of a network. An analysis of networks among lobbyists active in four areas of national policy - - agriculture, energy, health, and labor - - - concluded that those networks lacked central actors (Heinz et al. 1993). The authors argued that, in democratic political systems with distributive consequences, a center-periphery structure is not an equilibrium state. Essentially, the thesis is that a central position in such a network is so empowering that actors will not willingly cede that position to others, and that competition for power thus tends to keep the structure in flux, without a stable core. Thus, structural holes at the center of these political networks remained open. Our analyses tend to confirm the proposition that a central position is empowering, but we found considerable evidence that a set of notables successfully occupied the structural hole between religious conservatives and business interests.

The difference between the findings of the studies lies, principally, in the nature of the networks that were examined. In the lobbyist study, samples were drawn from broad policy "domains" and included actors on all sides of the various issues. Our sampling design, by contrast, sought to identify members of a coalition or alliance on one side of the American political spectrum, a network that was characterized primarily by agreement rather than by conflict or competition (although, of course, there is some dissensus from time to time).

The thesis of the earlier study applies to competitive political systems. It is not applicable where some set of actors can command obedience. A theoretical possibility,

therefore, is that we observed a stable core because the actors in the core or the interests that they represent possess a greatly disproportionate share of strategic resources, and are thus able to limit the ability of others to compete. As noted at the outset of this article, many of the conservative policy organizations are new, but others, such as the Heritage Foundation, Federalist Society, Cato Institute, Christian Coalition, and American Family Association, established their presence relatively early. Some of the early entrants, and the lawyers associated with them, positioned themselves to take advantage of the structural hole between religious conservatives and business interests. They may have benefited from the phenomenon that economists call the "first mover advantage" (Shapiro & Varian 1998). That is, firms that enter a market early, when they have few competitors, are able to establish ties with customers, suppliers, or sources of capital that make it difficult for later entrants to break into that market. For example, an investment bank, having financed the early entrant, is then less willing to endanger the investment by providing capital to a potential competitor. Analogous processes may be at work in the political world. Politicians invest in relationships, and foundations and individual donors invest in organizations. Having made those investments, they may view the creation of new relationships and organizations in the same political market as both superfluous and threatening to the pre-existing ones.

Many of the conservative organizations are still in the hands of the first generation of leadership. Inevitably, this generation will, with time, be replaced, and their successors may or may not be able to maintain the first mover advantage. During the period covered by our research, however, it is clear that a central core, with important

ties to the Federalist Society, held a position within the network that made brokerage among the constituencies possible and that conferred control over information flow from one segment of the network to another. The prestige of the incumbents of the core was consistent with recognition of this power.

Perhaps we observed a transitory state. When Republicans control all three branches of the federal government, the incentives for any particular organization or interest group to cooperate with the dominant coalition are strong. The potential benefits are great, and the costs of defection may be similarly large. Should the Republicans suffer electoral reversals and lose their present hegemony, however, constituencies that are now obedient might feel free to dissent. The benefits of cooperation would diminish, and threats of reprisal would be less intimidating.

In Figure 3, we observed that the two members of the core group who were drawn from the religious constituency were found clustered with the other notables representing religious organizations. In this respect, these two were unlike the other five members of the core, who remained together. This finding suggests that the religious notables may be less fully integrated into the alliance than are the other core members. It is possible that the strength of ideological commitment in the religious constituency takes precedence over the strategic advantage that might be gained through cooperation with other conservatives. That is, religious conservatives may be more inclined than the other constituencies to find that matters of principle require them to stand alone.

As we have seen, libertarians occupy a position of strategic advantage in the network. They surround the core in Figure 3, and three of the notables in the core are

libertarians, more than are drawn from any of the other constituencies. Libertarians share with business conservatives the goal of restricting the scope of the powers of the administrative state. With religious conservatives, they find common cause on issues of religious liberty, school choice, and eminent domain (where some religious conservatives now fear that local governments may seek to take church property) (Kirkpatrick 2005b). Libertarians thus occupy an intermediate position, standing between the religious and business constituencies.

Because there is no direct contact between the religious block and the business block (Figure 2), any communication between those blocks must flow through one of the others, most likely the core. This may permit the intermediary to control the nature and content of the communication. Because information is a resource, the ability to withhold it or to use it selectively is a form of power. Moreover, centrality and brokerage measures (Table 2) indicate that the members of the core occupy advantaged structural positions. That is, their positions within the network provide, at the very least, the potential for the exercise of influence.

Do the members of the core make use of these assets so as to lead or attempt to lead the coalition? The Harriet Miers debacle and the public struggle over immigration policy demonstrate dissensus, but this does not suggest that no attempt at central direction is made. These examples merely show that, if there is such leadership, it does not always succeed. Whether an attempt to guide or direct succeeds or fails, with respect to any particular point of contention, will depend upon a large array of variables, including the degree of division within the coalition and the distribution of resources.

As noted, the core notables enjoy elevated prominence or prestige. In some cases, they are senior figures, long active in the conservative movement, who have held high positions in government and in private associations. In others, they are relatively young but play a leadership role in one of the central, influential conservative organizations. In these latter cases, it seems evident that their presence in the core is largely attributable to the importance of the organizations that they represent. The core is heterogeneous; it includes mediators, libertarians and religious conservatives. It is not, therefore, tied to a narrow ideological position. This breadth permits it to bridge the conservative alliance as a whole.

The core differs from the other blocks. Its density of contact is extraordinarily high (95%), much higher than in the other blocks (Figure 2). This density is indicative of collective identity, a sense of "groupness." It also suggests that the members of the core have greater reason to be in contact with one another, and that the function or role that brings them together is not present in the other blocks. It seems likely that this function is some version of coordination, strategic planning, mobilization, or (put differently) leadership. If there were no such function, the structural hole between the religious and business blocks would remain open.

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Table 1. Characteristics of Notable Conservative Lawyers (N=26)

Measure	Percent	Mean	S.D.
Frequency of contact (N=650 dyads)[1]			
Daily	0%		
2-3 times per week	0%		
Weekly	2%		
2-3 times per month	1%		
Monthly	8%		
2-3 times per year	14%		
Less often	15%		
None	60%		
Total	100%		
Prestige of law-school			
Local	27%		
Regional	19%		
Prestige	31%		
Elite	23%		
Total	100%		
Religious affiliation			
Protestant	46%		
Catholic	27%		
Jewish	19%		
None	8%		
Total	100%		
Active in religious institutions	73%		
Party affiliation			
Republican	73%		
Libertarian	8%		
Independent/none	19%		
Total	100%		
Practice setting			
Firm	27%		
Advocacy	65%		
Law school	8%		
Total	100%		
Work roles			
Executive only	15%		
Legal roles/Litigators	69%		
Other	15%		
Total	100%		
Geographic location			
DC	54%		
Virginia	12%		
Arizona	12%		
Midwest	15%		
California	8%		
Total	100%		
Shared issue interests			
Business	19%		
Libertarian	31%		
Mediator	12%		
Religious	31%		
Other	8%		
Total	100%		
Experience in the Reagan or Bush administrations	42%		
Age		55.2	9.7
Percentage of notables with joint activation in litigation	81%		
Number of current organizational affiliations		6.5	5.0
Percentage of notables with co-memberships	88%		
Percent Federalist Society members	62%		

Table 2. Notables' Network Positions: Centrality and Brokerage

	Centrality		
	Normalized In-degree[1]	**Normalized Out-degree**[2]	**Number of Brokered Pairs**[3]
Notables by bl			
Business block			
20	21.74	39.13	30.50
22	13.04	17.39	4.50
23	17.39	21.74	11.50
24	8.70	4.35	0.00
Average	15.22	20.65	11.63
Religious block			
1	13.04	13.04	4.00
2	17.39	8.70	4.50
3	13.04	34.78	14.50
4	26.09	26.09	10.50
6	13.04	13.04	1.00
Average	16.52	19.13	6.90
Libertarian block			
9	30.43	39.13	23.50
11	21.74	34.78	10.50
15	30.43	26.09	7.00
16	26.09	21.74	5.00
19	26.09	39.13	32.50
Average	26.96	32.17	15.70
Core block			
7	47.83	39.13	34.50
8	60.87	39.13	65.50
10	47.83	39.13	20.00
12	60.87	34.78	68.50
13	43.48	47.83	29.00
17	60.87	69.57	72.50
18	65.22	69.57	73.00
Average	55.28	48.45	51.86
Residual block			
5	17.39	17.39	3.50
14	13.04	4.35	2.00
21	17.39	13.04	3.00
Average	15.94	11.59	2.83
Isolates			
25	0.00	0.00	0.00
26	0.00	0.00	0.00

[1] Normalized in-degree centrality = (number of contacts from others) / (n-1)
[2] Normalized out-degree centrality = (number of contacts to others) / (n-1)
[3] Count of the number of pairs mediated by the notable. Directed ties equal 0.5.

Table 3. Negative Binomial Regressions of News Article Mentions, 2001-2002 (N=26)

Measures	Coefficients	S.E.	p-value	Model χ2	p-value
Normalized in-degree centrality	.04	.02	.010	7.03	.008
Normalized out-degree centrality	.02	.02	.152	2.20	.138
Number of brokered pairs	.02	.01	.054	4.19	.041

Counts reflect the combined number of mentions in Lexis/Nexis's major news and legal news databases.

Table 4. Linear Probability QAP of Contact among Notable Conservative Lawyers

Independent Variables	Coefficient	Significance
Personal Characteristics		
Shared law school category	.02	.323
Same religious affiliation	.01	.397
Active in religious institutions	.02	.343
Age difference	.00	.508
Work contexts		
Same organizational setting	-.01	.509
Same work roles	-.06	.248
Geographic propinquity	.08	.148
Shared interests and affiliations		
Same party affiliation	.11	.084
Shared issue interests	.17	.001
Joint activation in federal litigation	.22	.014
Service in the Reagan or Bush I administrations	.07	.063
Number of organizational co-memberships	.09	.045
Federalist society membership	.25	.000
Intercept	-.08	
R-squared	.24	.000

N=650.
Coefficient estimates are unstandardized and based on ordinary least squares.
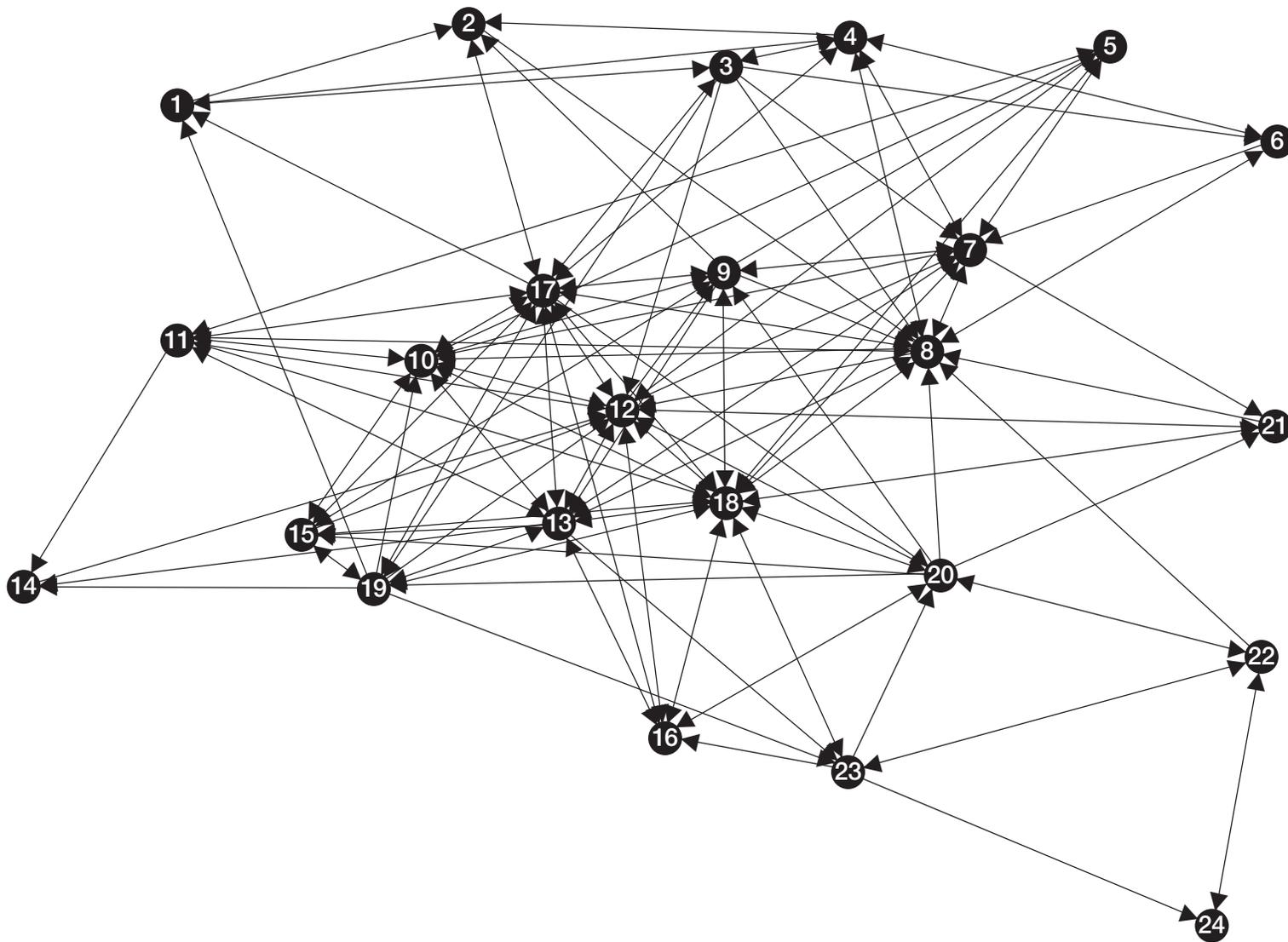Significance tests were estimated via quadratic assignment probabilities (two-tailed test).

Figure 1a. Contact Links Among Notable Conservative Lawyers (N=24)
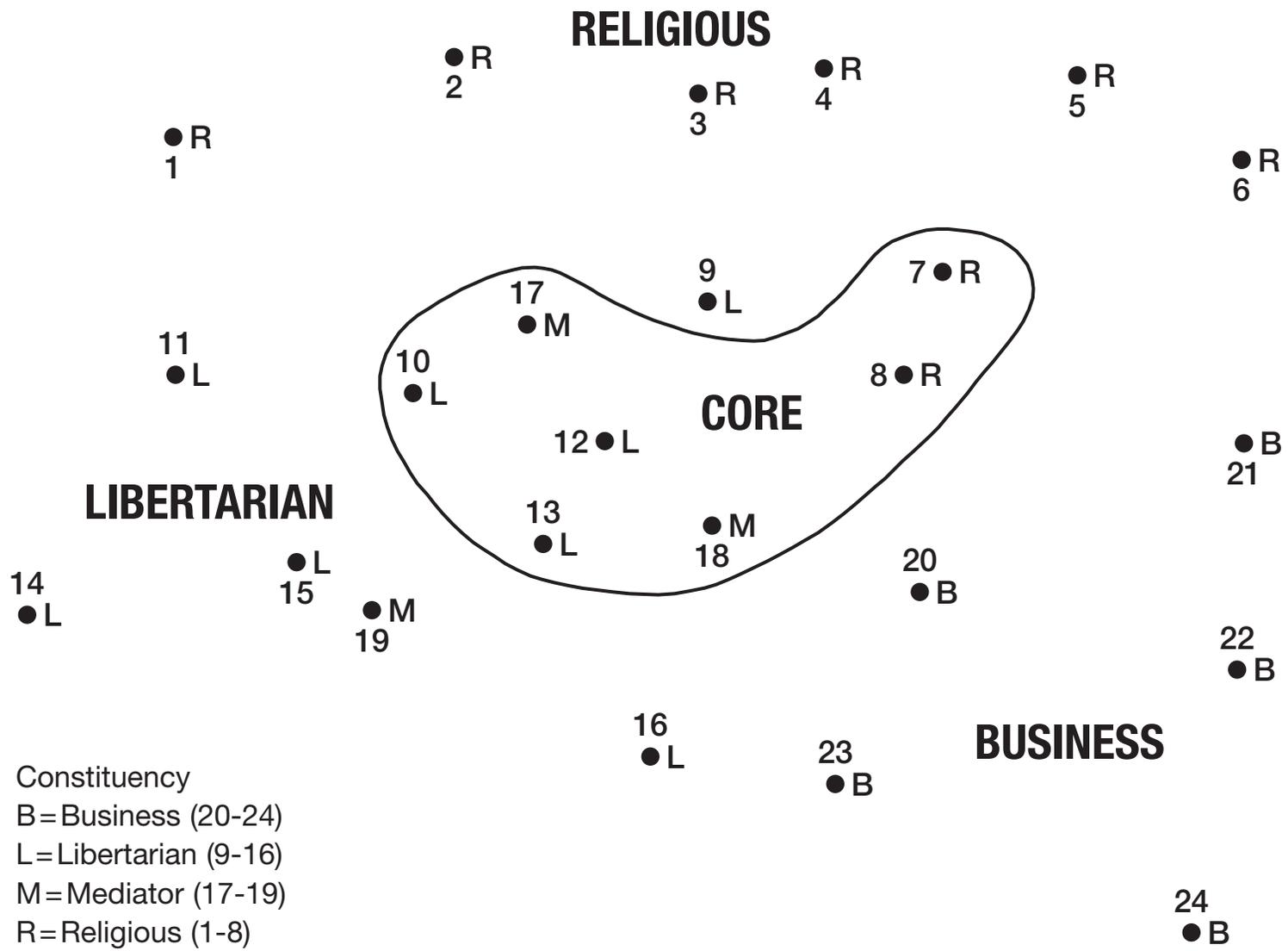
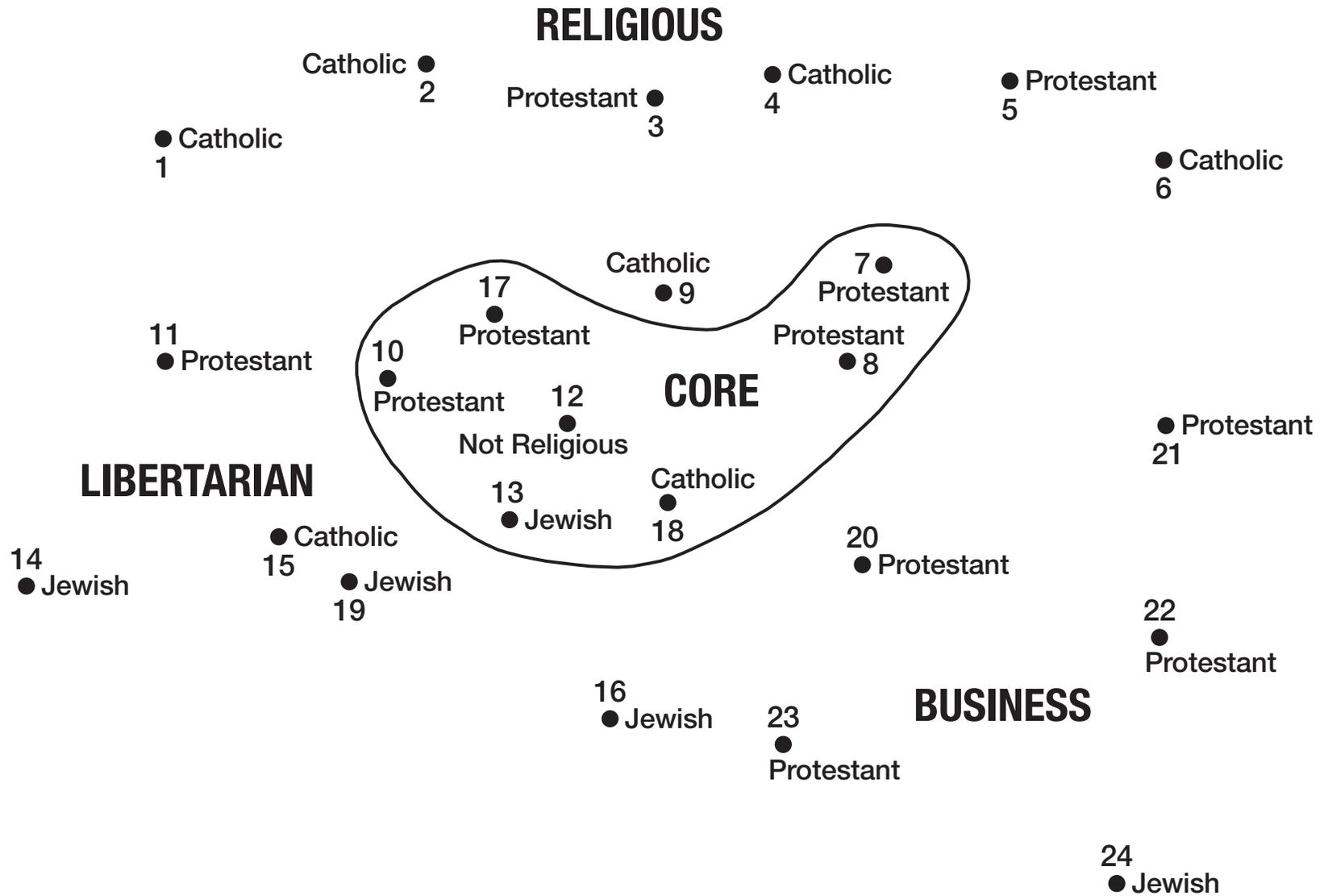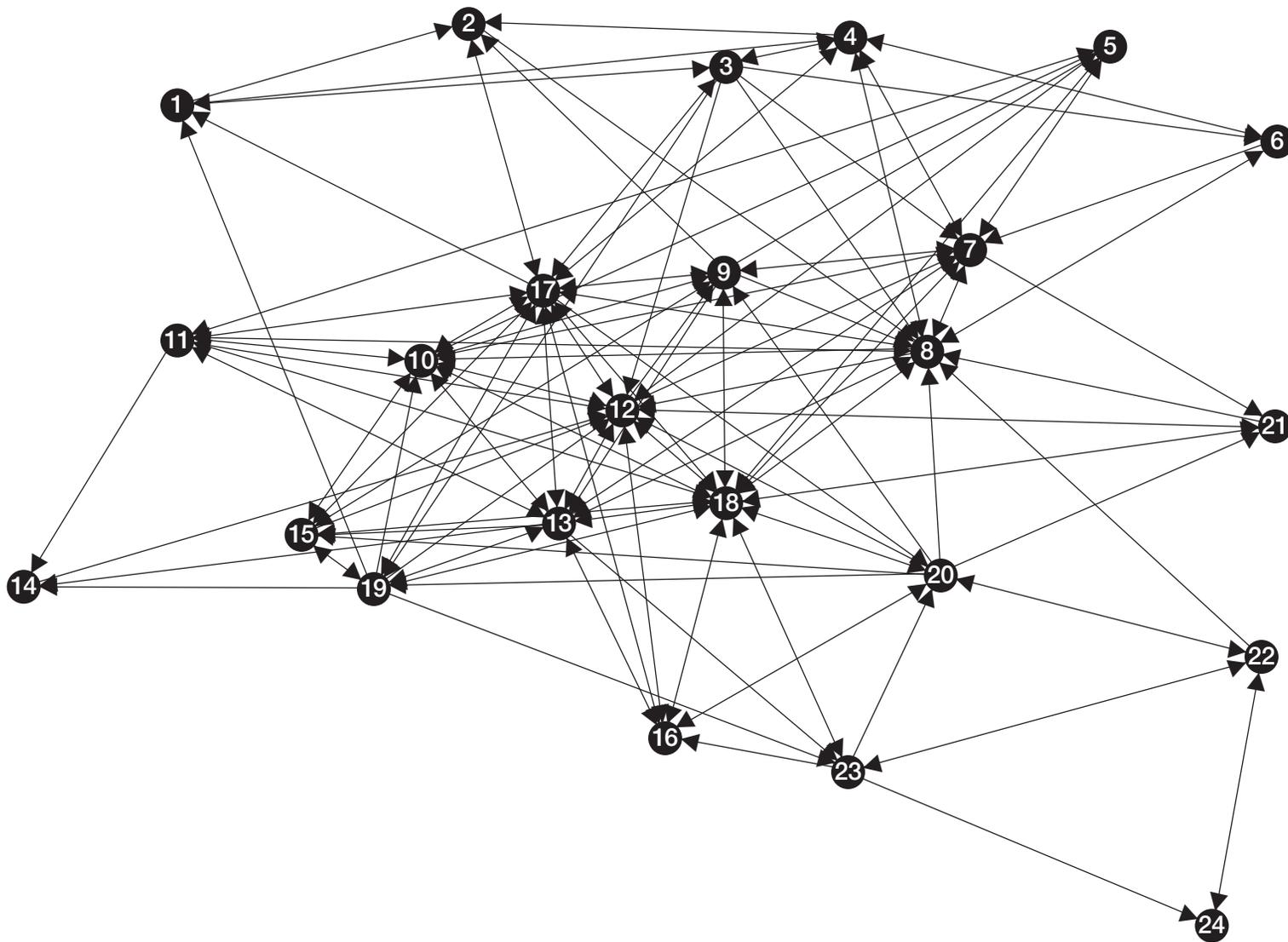Figure 1b. Constituencies of the 24 Notables

Figure 1c. Characteristics of 24 Notables: Religious Affiliation

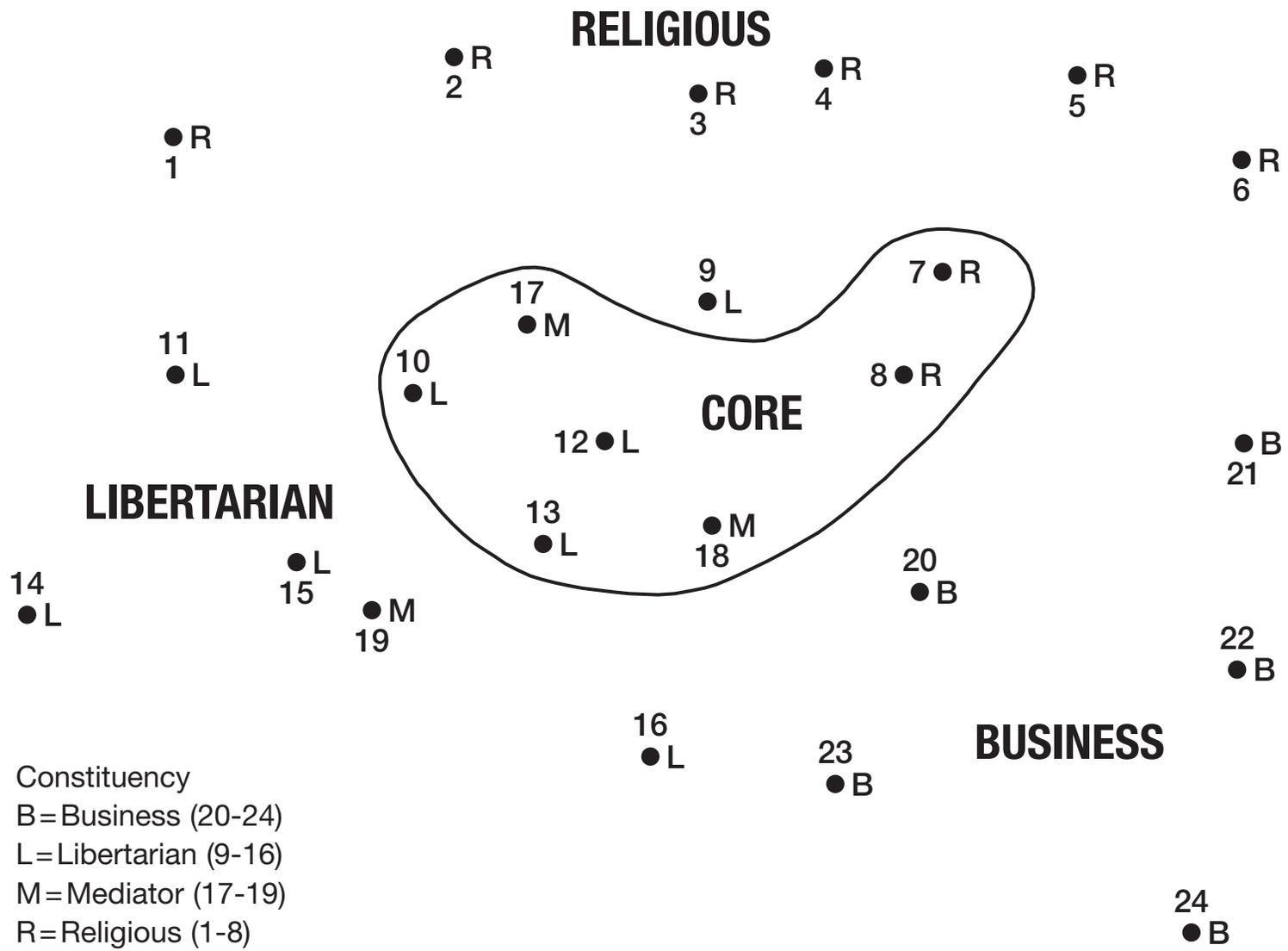Figure 1a. Contact Links Among Notable Conservative Lawyers (N=24)

RELIGIOUS

● R
2

● R
3

● R
4

● R
5

● R
1

● R
6

9
● L

17
● M

7 ● R

11
● L

10
● L

8 ● R

CORE

● B
21

12 ● L

LIBERTARIAN

13
● L

● M
18

14
● L

● L
15

20
● B

● M
19

22
● B

16
● L

23
● B

BUSINESS

24
● B

Constituency
B=Business (20-24)
L=Libertarian (9-16)
M=Mediator (17-19)
R=Religious (1-8)

Figure 1b. Constituencies of the 24 Notables

RELIGIOUS

Catholic ●
2

Protestant ●
3

● Catholic
4

● Protestant
5

● Catholic
1

● Catholic
6

Catholic
● 9

7 ●
Protestant

17
●
Protestant

Protestant
● 8

11
● Protestant

10
●
Protestant

12
●
Not Religious

CORE

● Protestant
21

LIBERTARIAN

13
● Jewish

Catholic
● 18

14
● Jewish

● Catholic
15

20
● Protestant

19
● Jewish

22
●
Protestant

16
● Jewish

23
●
Protestant

BUSINESS

24
● Jewish

Figure 1c. Characteristics of 24 Notables: Religious Affiliation

RELIGIOUS

● NO
2

● NO
3

● NO
4

● YES
5

● NO
1

● NO
6

9
● YES

17
● YES

7 ● YES

8
●
YES

11
● YES

10
● YES

CORE

12 ● YES

21
● YES

LIBERTARIAN

13
● YES

● YES
18

20
● YES

15
● YES

14
● YES

19
● YES

22
● NO

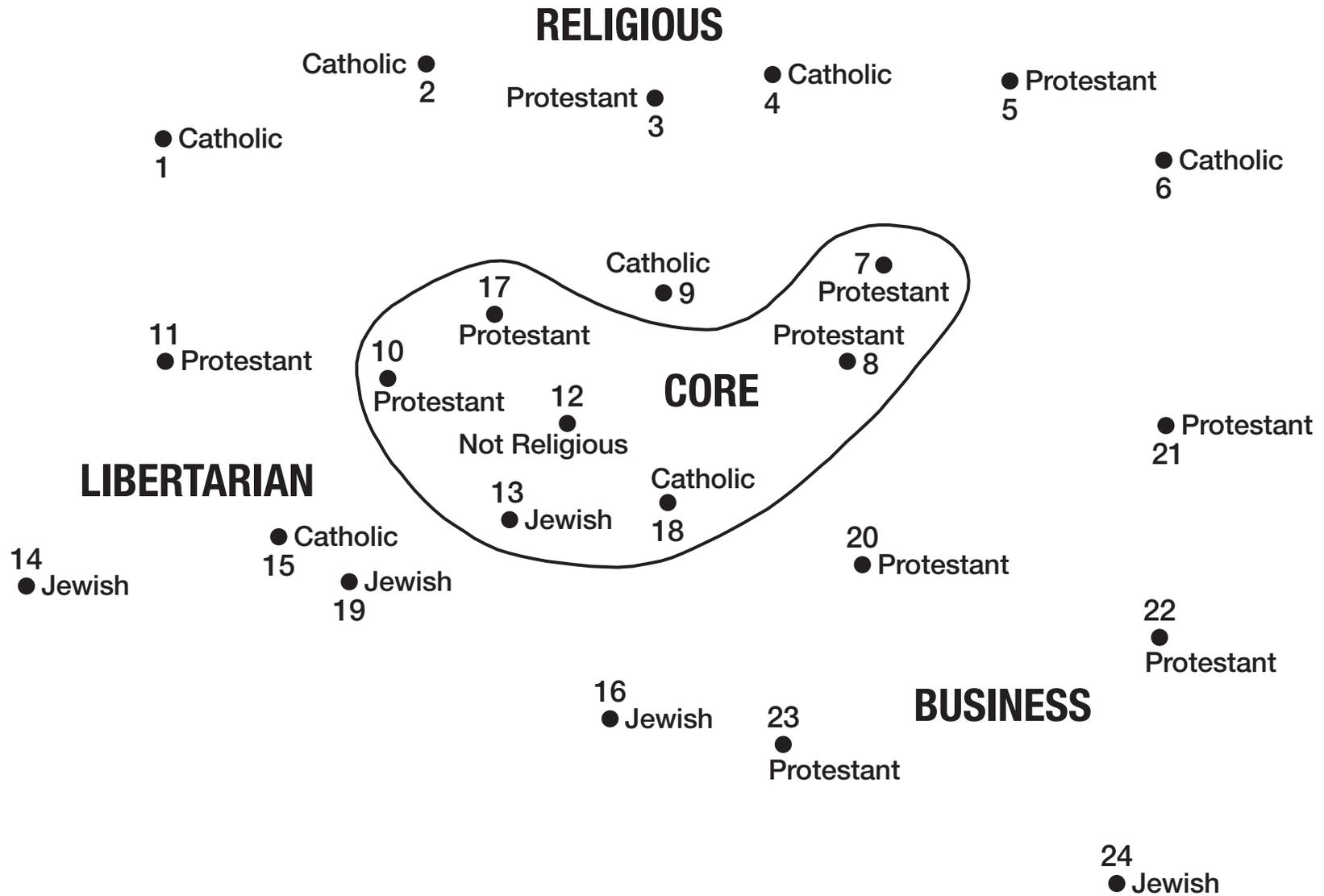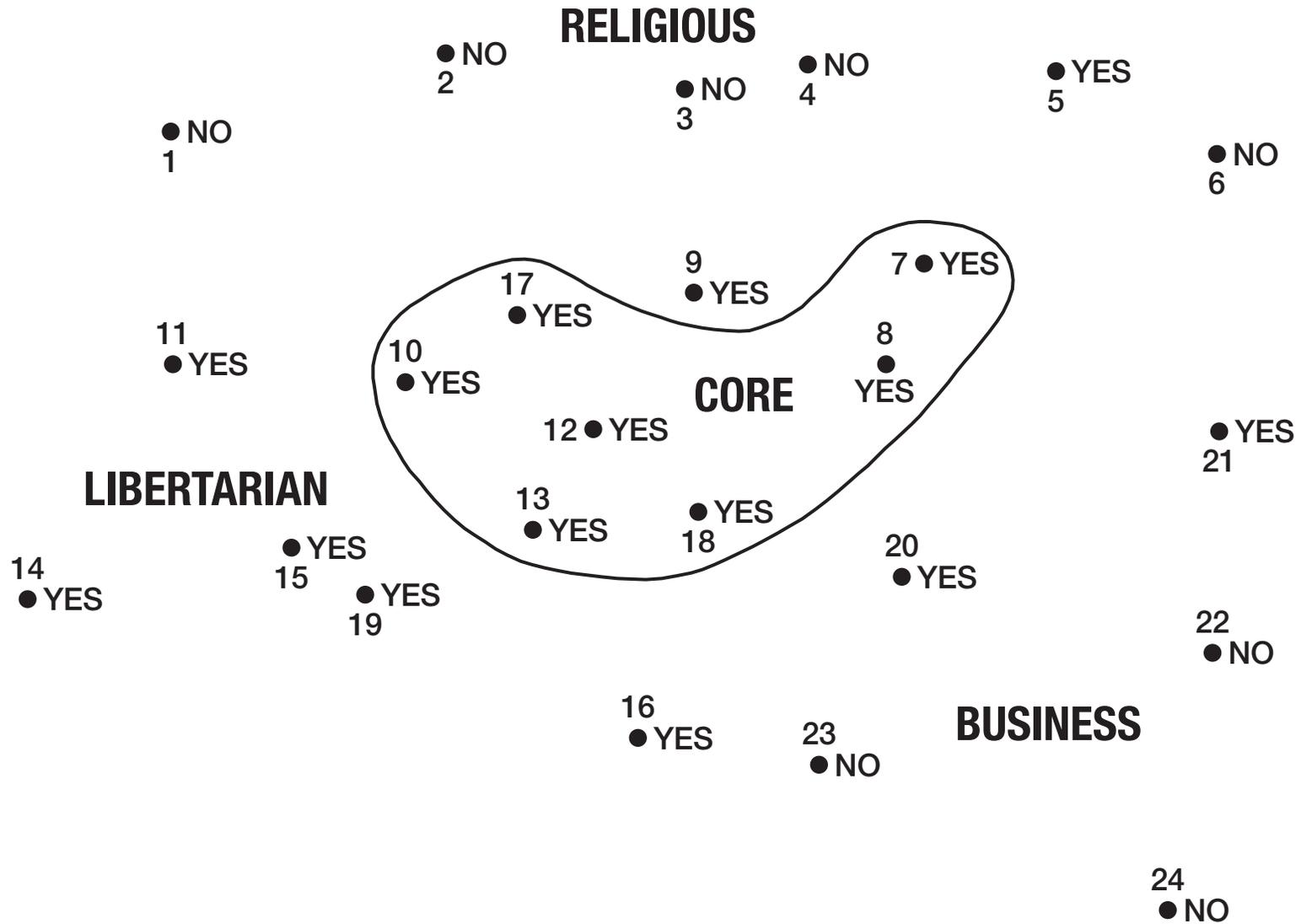16
● YES

23
● NO

BUSINESS

24
● NO

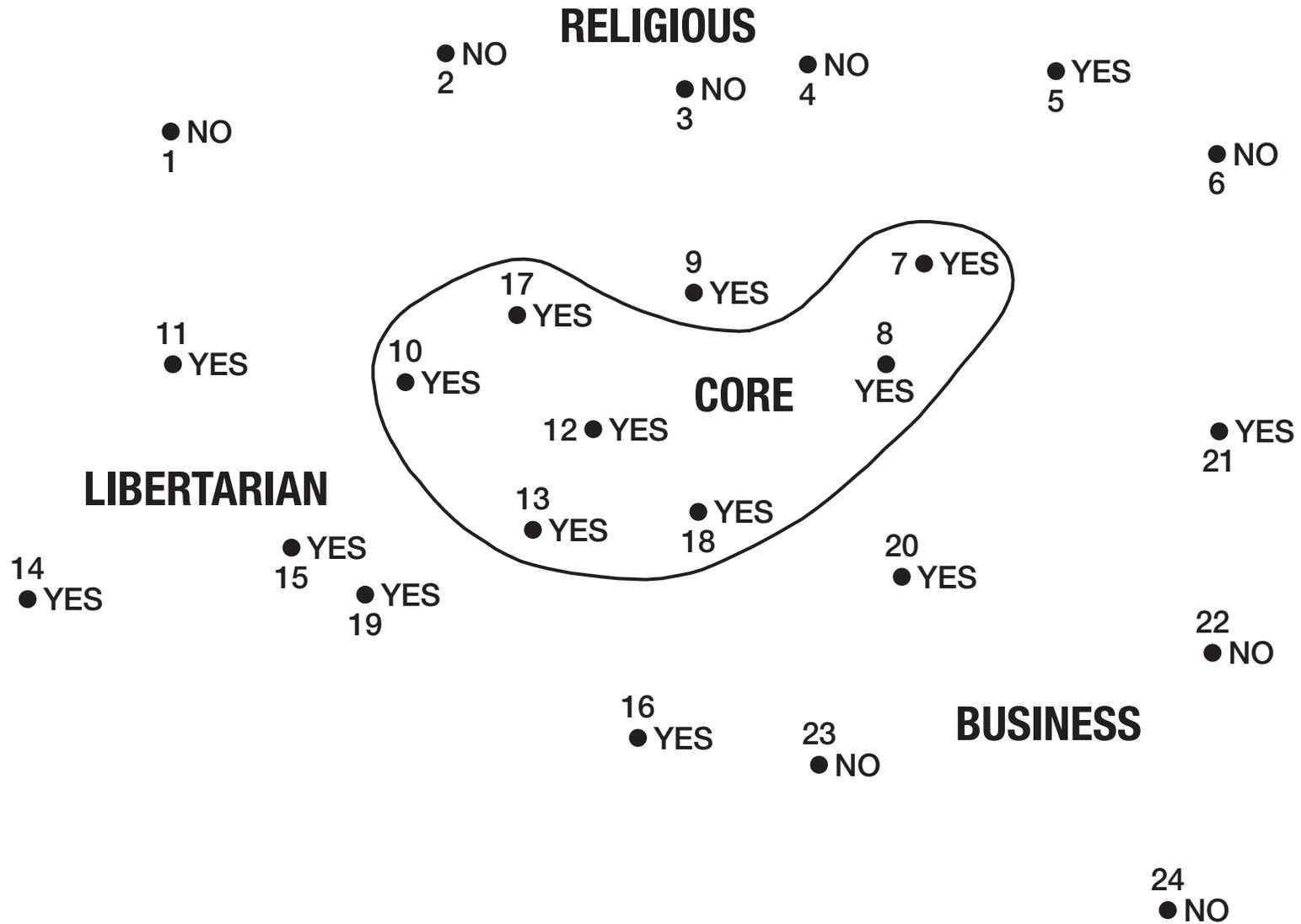Figure 1d. Characteristics of 24 Notables: Federalist Society Participation

Figure 1d. Characteristics of 24 Notables: Federalist Society Participation

Figure 2. Two-dimensional, Multidimensional Scaling of Structural Equivalence among Notable Lawyers (Jaccard measure, stress=0.159)
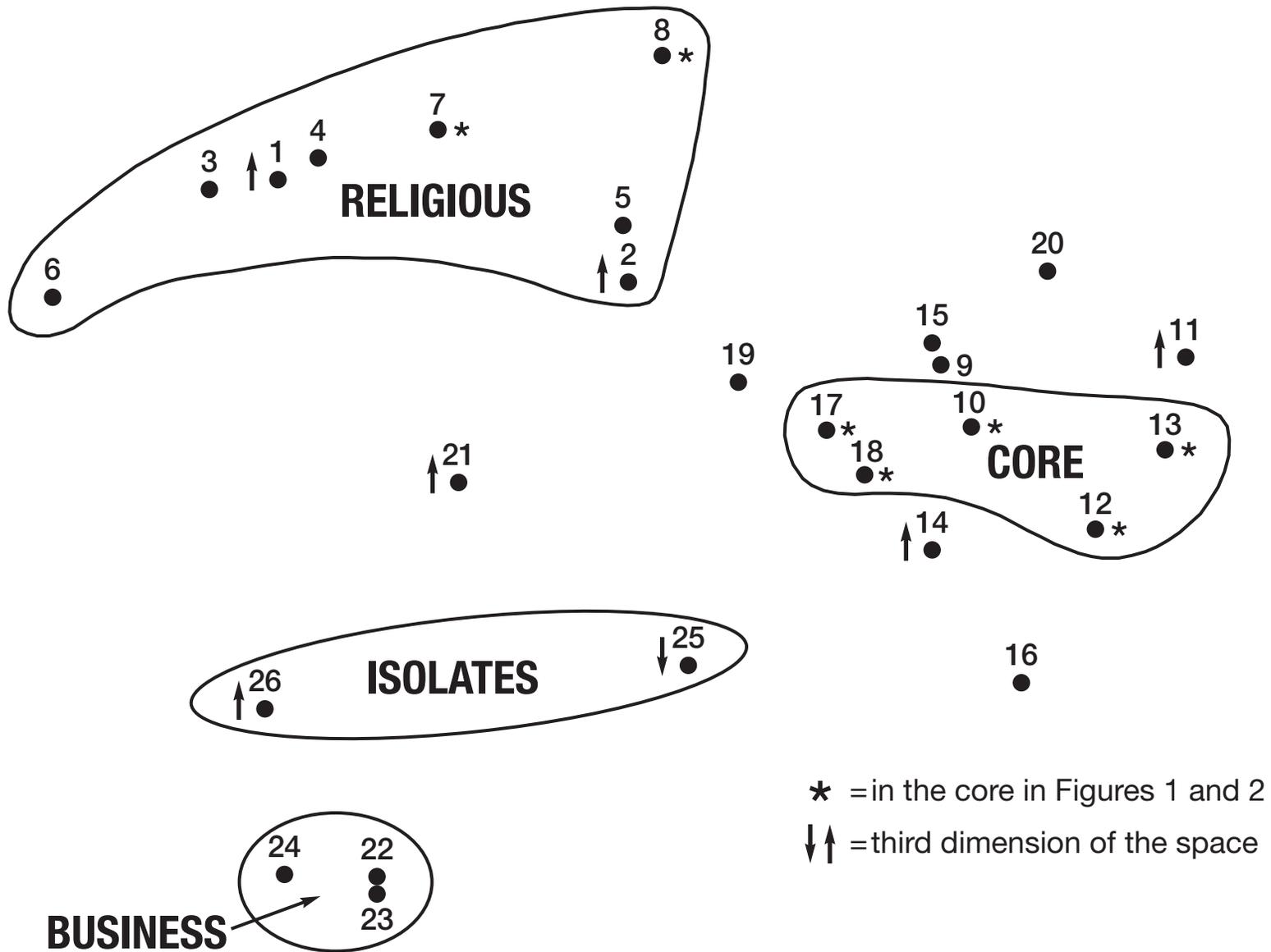
Figure 3. Three-dimensional, Multidimensional Scaling of Notables' Network as Defined by 33 Respondents (Correlation measure, stress=0.145)