

Ronald Reagan Presidential Library  
Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Raul, Alan Charles: Files  
**Folder Title:** Supreme Court Swearing In [Justice  
Rehnquist and Scalia] (1)  
**Box:** OA 19157

---

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: [reagan.library@nara.gov](mailto:reagan.library@nara.gov)

Citation Guidelines: <https://reaganlibrary.gov/citing>


National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

WASHINGTON

September 15, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: ALAN CHARLES RAUL 

SUBJECT: Presidential Remarks on the Swearing in of Rehnquist and Scalia

Forthcoming for your review and editing will be draft Presidential Remarks to be delivered at the swearing-in ceremony of Chief Justice-designate Rehnquist and Associate Justice-designate Scalia. I understand from Bill Henkel that September 25 looks like the date.

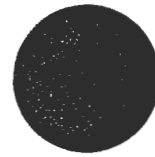
In the meantime, I assume consideration is being given to the guest list for the ceremony. I strongly recommend that as early as possible invitations are extended to the other members of the Court. The greater number of Justices present could enhance the image of Chief Justice Rehnquist as a leader and the perception of his ability to bring the Court together.

In addition, Senators Thurmond and Hatch should certainly be invited and I would suggest encouraging the attendance of a number of other members of the Judiciary Committee as well. The positive votes of Democratic Senators Heflin and DeConcini could be recognized by inviting them to attend the ceremony. Even though he opposed the nomination, in the interest of bipartisanship, I would also consider encouraging Senator Simon's presence. His attacks on Rehnquist were forceful but not as reprehensible as those of some of his fellow Democrats on the Committee.

Finally, we have had some correspondence from Italian-American organizations which would like to be invited to the swearing-in event. Some thought should obviously be given to this issue.

Attachment

THE WHITE HOUSE  
WASHINGTON



September 16, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: ALAN CHARLES RAUL *ACR*

SUBJECT: Revised Presidential Statement:  
Senate Confirmation of Justice  
Rehnquist and Judge Scalia

The attached Presidential Statement was prepared in Tony Dolan's office. I think the Statement looks pretty good. I have suggested a couple of very minor changes in the attached memorandum for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

September 16, 1986

MEMORANDUM FOR ANTHONY DOLAN  
SPECIAL ASSISTANT TO THE PRESIDENT AND  
CHIEF SPEECHWRITER

FROM: PETER J. WALLISON  
COUNSEL TO THE PRESIDENT

SUBJECT: Revised Presidential Statement:  
Senate Confirmation of Justice  
Rehnquist and Judge Scalia

We have reviewed the above-referenced draft Presidential Statement and have the following comments:

1. In the second sentence, it might be appropriate to refer to Rehnquist as "an Associate Justice" for the last fifteen years.
2. The final clause of the third paragraph should be toned down slightly without sacrificing the point. I suggest the following language: "and that the rights of society and of the victims of crime must be considered by our judicial system and not just those of criminal offenders."

cc: David L. Chew

-

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: David L. Chew

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Revised Presidential Statement: Senate Confirmation of Justice William Rehnquist and Judge Antonin Scalia

ROUTE TO:	ACTION	Tracking Date	Disposition	Completion Date
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Type of Response Code	YY/MM/DD
<u>CU HOLL</u>	ORIGINATOR	<u>86109116</u>	<u>PJW Sig</u>	<u>1 1</u>
<u>CU AT 27</u>	<u>D</u>	<u>86109116</u>	<u>S</u>	<u>86109116</u> <u>CoB</u>
_____	_____	<u>1 1</u>	_____	<u>1 1</u>
_____	_____	<u>1 1</u>	_____	<u>1 1</u>
_____	_____	<u>1 1</u>	_____	<u>1 1</u>

**ACTION CODES:**

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet to be used as Enclosure
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/16/86 ACTION/CONCURRENCE/COMMENT DUE BY: COB TODAY

SUBJECT: PRESIDENTIAL STATEMENT: SENATE CONFIRMATION OF JUSTICE WILLIAM REHNQUIST AND JUDGE ANTONIN SCALIA

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	DOLAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MASENG	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments directly to Tony Dolan by close of business today, with an info copy to my office. This version supercedes the version staffed earlier, which did not contain references to Judge Scalia. Thank you.

RESPONSE:

1986 SEP 16 PM 3: 35

David L. Chew  
Staff Secretary  
Ext. 2702

(Gilder/ARD)  
September 16, 1986  
2:30 p.m.

PRESIDENTIAL STATEMENT: SENATE CONFIRMATION OF JUSTICE WILLIAM REHNQUIST AND JUDGE ANTONIN SCALIA WEDNESDAY, SEPTEMBER 17, 1986

I am very pleased that the Senate has voted to confirm my nominations of William Rehnquist to be Chief Justice of the United States, and Antonin Scalia as Associate Justice of the Supreme Court. William Rehnquist has served with great distinction as a Justice of the Supreme Court for the last 15 years. Known as an extraordinary legal mind from his early years in law, Justice Rehnquist earned renown in the Court for the brilliance of his reason and the clarity and craftsmanship of his opinions. I have no doubt that William Rehnquist will prove to be a Chief Justice of historic stature.

Judge Scalia is also widely regarded in his profession as a first class intellect, a persuasive jurist, and a warm, caring person. He will make a superb addition to the Court.

This vote in the full Senate is a bi-partisan rejection of the unfortunate political posturing that took place in the confirmation hearings. It's clear to all now that the extraordinary controversy surrounding the hearings had <sup>little</sup> ~~nothing~~ to do with Justice Rehnquist's record or character -- both are unassailable and unimpeachable. The attacks came from those whose ideology runs contrary to his profound and unshakeable belief in the proper constitutional role of the judiciary in this country. Justice Rehnquist believes, as I do, that our Founding Fathers did not create the Supreme Court as a kind of supra-legislature; that judges should interpret the law, not make

it; and that victims of crime are due at least as much consideration from our judicial system as criminal offenders.

Both Chief Justice Rehnquist and Associate Justice Scalia will be strong and eloquent voices for the proper role of the judiciary and the rights of victims; and I am confident that they will both serve the Court and their country very well indeed.



## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD)   1  /  1  /

Name of Correspondent: David Chew

MI Mail Report                      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Presidential Statement: Senate Confirmation of Justice Rehnquist

ROUTE TO:	ACTION	Tracking Date	Type of Response	Disposition Code	Completion Date
Office/Agency    (Staff Name)	Action Code	YY/MM/DD	Code	Code	YY/MM/DD
<u>Cuboll</u>	ORIGINATOR	<u>8/6/09/16</u>			<u>  1  /  1  /  </u>
	Referral Note:	<u>for PGW signature</u>			
<u>cu at 27</u>	<u>D</u>	<u>8/6/09/16</u>		<u>S</u>	<u>8/6/09/16</u>
	Referral Note:			<u>COB</u>	
	-	<u>  1  /  1  /  </u>			<u>  1  /  1  /  </u>
	Referral Note:				
	-	<u>  1  /  1  /  </u>			<u>  1  /  1  /  </u>
	Referral Note:				
	-	<u>  1  /  1  /  </u>			<u>  1  /  1  /  </u>
	Referral Note:				

- ACTION CODES:**

  - A - Appropriate Action
  - C - Comment/Recommendation
  - D - Draft Response
  - F - Furnish Fact Sheet to be used as Enclosure
  - I - Info Copy Only/No Action Necessary
  - R - Direct Reply w/Copy
  - S - For Signature
  - X - Interim Reply

**DISPOSITION CODES:**

  - A - Answered
  - B - Non-Special Referral
  - C - Completed
  - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**  
 Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

9/18/86

MEMORANDUM

TO: PETER WALLISON (Coordinate with Jack Courtemanche)  
FROM: FREDERICK J. RYAN, JR. *FJR*  
SUBJECT: APPROVED PRESIDENTIAL ACTIVITY

MEETING: Swearing-in Ceremony for Chief Justice Rehnquist  
and Associate Justice Scalia

DATE: September 26, 1986

TIME: 11:00 am

DURATION: 15 minutes

LOCATION: East Room

BACKUP LOCATION:

REMARKS REQUIRED: Yes

MEDIA COVERAGE: Coordinate with Press Office

FIRST LADY

PARTICIPATION: Yes

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

W. Ball	C. Fuller
K. Barun	W. Henkel
P. Buchanan	J. Hooley
D. Chew	A. Kingon
J. Courtemanche	J. Kuhn
M. Coyne	C. McCain
E. Crispen	J. Miller
M. Daniels	R. Riley
T. Dawson	R. Shaddick
D. Dellinger	B. Shaddix
A. Dolan	L. Speakes
J. Erkenbeck	G. Walters
L. Faulkner	WHCA Audio/Visual
	WHCA Operations

THE WHITE HOUSE

WASHINGTON

TO: PROJECT OFFICERS  
FROM: FREDERICK J. RYAN, JR.  
SUBJECT: CHECKLIST FOR PRESIDENTIAL EVENTS

General Responsibilities

- \_\_\_\_\_ The Presidential Advance Office has responsibility for all logistical arrangements for any event involving press coverage. Please coordinate with them from the time your event is approved in order to avoid the need for last-minute modification.
- \_\_\_\_\_ Notify and clear all participants. (Full name, social security number, date of birth and place of birth).
- \_\_\_\_\_ Prepare and submit briefing paper to David Chew's Office by 3:00 p.m. of the preceding day. (14 copies)
- \_\_\_\_\_ Coordinate with James Kuhn (x2168) on Presidential involvement.
- \_\_\_\_\_ Coordinate with the Press Office (x2100) regarding Press Coverage. Indicate hometowns of participants. No organizational photographers will be admitted to any event unless other press is present. Clearance of such photographers should be coordinated through the Press Office.
- \_\_\_\_\_ If remarks are required, coordinate with the Speechwriters Office (x6266) well in advance.
- \_\_\_\_\_ For outdoor events at the White House, in case of inclement weather, clear and reserve the backup location indicated.
- \_\_\_\_\_ If participant plans to bring a gift, contact the White House Gift Unit (x7133), in advance, for review and proper procedure for handling.
- \_\_\_\_\_ If any foreign visitor or dignitary is to be involved, please coordinate with Rodney McDaniel of the NSC (x2224).
- \_\_\_\_\_ If any Department of Defense or Military personnel are to be involved, please coordinate in advance with the White House Military Office (x2150).
- \_\_\_\_\_ If press coverage is expected, please provide all pertinent information concerning this event (guests, scenario, backdrop, etc.,) to the Presidential Advance Office at least 72 hours prior to the event.
- \_\_\_\_\_ Submit a complete, confirmed list of staff and attendees, identified by title, as well as the actual starting and completion times, to the President's Diarist, Office of Presidential Appointments and Scheduling (x7560) within five (5) days after the event.
- \_\_\_\_\_ If tent name cards are needed, send a list of names to Social Secretary's office (x7064) at least 48 hours in advance.
- \_\_\_\_\_ For West Wing Meetings all room arrangements (chairs, notepads, pencils, etc.) should be made through Carl Jones (x2275) or Dottie Dellinger (x2605).

Residence Events

- \_\_\_\_\_ Coordinate with the Social Secretary's office (x7064) for all arrangements.
- \_\_\_\_\_ Send guest list to Social Secretary's office, preferably three weeks prior to the event.
- \_\_\_\_\_ The President's attendance at this event should not be announced until official notification is given by the White House Press Office and any public announcement must be coordinated with that office. Also, prior to the distribution of any printed material, particularly details of the invitation, contact must be made with

Date 9.19.86

Suspense Date \_\_\_\_\_

MEMORANDUM FOR: Alan

1/86

FROM: **DIANNA G. HOLLAND**

**ACTION**

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Please handle/review
- \_\_\_\_\_ For your information
- \_\_\_\_\_ For your recommendation
- \_\_\_\_\_ For the files
- \_\_\_\_\_ Please see me
- \_\_\_\_\_ Please prepare response for  
\_\_\_\_\_ signature
- \_\_\_\_\_ As we discussed
- \_\_\_\_\_ Return to me for filing

Courtemanche)

e Rehnquist

I  
R  
M  
FI  
F

**COMMENT**

NO1

Peter has asked that you  
handle - FBI Chief Justice  
Burger is bringing Mrs. Burger -  
Public Hearing is sending a  
list w/ 35 names.

- E. Crispen
- M. Daniels
- T. Dawson
- D. Dellinger
- A. Dolan
- J. Erkenbeck
- L. Faulkner

- J. Kuhn
- C. McCain
- J. Miller
- R. Riley
- R. Shaddick
- B. Shaddix
- L. Speakes
- G. Walters
- WHCA Audio/Visual
- WHCA Operations

THE WHITE HOUSE

WASHINGTON

September 24, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

ALAN CHARLES RAUL *AR*

SUBJECT:

East Room Swearing-In Ceremony

Attached for your review and signature is a Briefing Paper for the President regarding Friday's swearing-in ceremony.

I have also attached a draft schedule of the proceedings which we should discuss further with the Social Secretary's Office.

I have coordinated with Tim Flannigan, Special Assistant to Chief Justice Burger. He is handling the swearing-in at the Supreme Court at 2 p.m. on Friday. Flannigan will become Special Assistant to Chief Justice Rehnquist after the transition is made.

Nancy Kennedy called to make sure that Tom Korologos is invited. In addition, Nancy suggested that Wally Johnson, a friend of Rehnquist who helped out in preparing for the hearings, should also be invited.

I have advised Flannigan that we want the combined Constitutional and Judicial Oath to be administered at the White House ceremony. He will get back to me after talking to Chief Justice Burger.

I am preparing the President's very brief introductory remarks and working with speechwriter Clark Judge on the President's main remarks.

Attachment

**DRAFT**

September 24, 1986

SWEARING-IN OF WILLIAM REHNQUIST AND ANTONIN SCALIA

September 26, 1986

EAST ROOM

11:00 A.M.

FROM: PETER J. WALLISON  
COUNSEL TO THE PRESIDENT

I. PURPOSE

At this ceremony, Justice William H. Rehnquist will be sworn in as the 16th Chief Justice of the United States and Antonin Scalia will be sworn in as an Associate Justice. Retiring Chief Justice Burger will administer the Judicial Oath of Office.

II. BACKGROUND

Last week, the Senate confirmed your nominations. Upon taking the oath of office required by the Constitution and by statute, Chief Justice Rehnquist and Justice Scalia will be qualified to perform the duties of their respective offices.

III. PARTICIPANTS

The President and Mrs. Reagan, Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist, Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Donald Regan and Counsel to the President Peter Wallison.

IV. PRESS PLAN

There will be full television and press coverage.

V. SEQUENCE OF EVENTS

You and Mrs. Reagan will greet the participants in the Blue Room and proceed to the East Room. You will introduce Chief Justice Burger to administer the oath. Chief Justice Burger will first swear in Justice Rehnquist and then Judge Scalia. You will then congratulate the new Chief Justice and Associate Justice and deliver your principal remarks.

You and Mrs. Reagan will escort the Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia to the State Dining Room where refreshments will be served.

---

Attachment: Brief Introductory Remarks  
Principal Remarks

SCHEDULE OF SWEARING-IN PROCEEDINGS  
East Room of The White House  
Friday, September 26, 1986

---

1. 10:30 a.m. - Guests assemble in East Room
2. 10:45 a.m. - Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist and Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Regan and Peter Wallison assemble in the Blue Room
3. 10:55 a.m. - President and Mrs. Reagan descend from living quarters and enter Blue Room
4. 11:00 a.m. - President and Mrs. Reagan et al. enter East Room
5. 11:01 a.m. - President proceeds to podium with Chief Justice Burger, Justice Rehnquist and Mrs. Rehnquist and Judge Scalia and Mrs. Scalia; Mrs. Reagan, Mrs. Burger, Attorney General Meese, Chief of Staff Regan and Peter Wallison take seats
6. 11:02 a.m. - President makes very brief introductory remarks:
  1. Greets guests
  2. Refers to nominations, consent of Senate, signed commissions
  3. Introduces Burger to administer oaths
7. 11:03 a.m. - Chief Justice Burger approaches podium together with Justice and Mrs. Rehnquist
8. 11:04 a.m. - Chief Justice Burger administers oath to Justice Rehnquist
9. 11:05 a.m. - Chief Justice and Mrs. Rehnquist withdraw from the podium
10. 11:06 a.m. - Judge Scalia and Mrs. Scalia approach podium
11. 11:07 a.m. - Chief Justice Burger administers oath to Judge Scalia



12. 11:08 a.m. - President Reagan, Chief Justice and Mrs. Rehnquist approach the podium
13. 11:09 a.m. - President Reagan congratulates new Justices, delivers remarks, thanks guests for attending and invites guests to partake of refreshments in the State Dining Room
14. 11:15 a.m. - President and Mrs. Reagan escort Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia to the State Dining Room
15. 11:16 a.m. - Invited guests proceed to State Dining Room

## THE WHITE HOUSE

WASHINGTON


September 24, 1986

SWEARING-IN OF WILLIAM REHNQUIST AND ANTONIN SCALIA

September 26, 1986

EAST ROOM

11:00 A.M.

FROM: PETER J. WALLISON   
COUNSEL TO THE PRESIDENTI. PURPOSE

At this ceremony, Justice William H. Rehnquist will be sworn in as the 16th Chief Justice of the United States and Antonin Scalia will be sworn in as an Associate Justice. Retiring Chief Justice Burger will administer the Judicial Oath of Office.

II. BACKGROUND

Last week, the Senate confirmed your nominations. Upon taking the oath of office required by the Constitution and by statute, Chief Justice Rehnquist and Justice Scalia will be qualified to perform the duties of their respective offices.

III. PARTICIPANTS

The President and Mrs. Reagan, Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist, Judge and Mrs. Scalia.

IV. PRESS PLAN

There will be open television and press coverage.

V. SEQUENCE OF EVENTS

You and Mrs. Reagan will greet the participants in the Blue Room and proceed to the East Room. You will introduce Chief Justice Burger to administer the oath. Chief Justice Burger will first swear in Justice Rehnquist and then Judge Scalia, each of whom will deliver brief remarks. You will then congratulate the new Chief Justice and Associate Justice and deliver your principal remarks.

You and Mrs. Reagan will escort the Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of the East Room where they will form a receiving line. Guests will be invited to the State Dining Room where refreshments will be served.

---

Attachment: Brief Introductory Remarks  
Principal Remarks

September 25, 1986  
10:00 a.m.

PRESIDENTIAL REMARKS: INTRODUCTION AT SWEARING-IN  
OF CHIEF JUSTICE WILLIAM REHNQUIST AND ANTONIN SCALIA

Friday, September 26, 1986

Members of the Court, Ladies and Gentlemen:

Welcome to the White House and thank you for coming to witness this historic occasion. This ceremony is the culmination of our constitutional process that involves each of the three branches of government. I have had the honor of nominating Justice Rehnquist to be the next Chief Justice of the United States and Judge Scalia to be an Associate Justice of the United States Supreme Court. The Senate has confirmed my nominations and I now ask that Chief Justice Warren Burger administer the Constitutional Oath of Office to Justice Rehnquist and Judge Scalia. . . . Mr. Chief Justice.

THE WHITE HOUSE

PJW:ACR:nge

WASHINGTON

cc: PJWallison  
ACRaul  
Chron ←

September 24, 1986

SWEARING-IN OF WILLIAM REHNQUIST AND ANTONIN SCALIA

September 26, 1986

EAST ROOM

11:00 A.M.

FROM: PETER J. WALLISON  
COUNSEL TO THE PRESIDENT

I. PURPOSE

At this ceremony, Justice William H. Rehnquist will be sworn in as the 16th Chief Justice of the United States and Antonin Scalia will be sworn in as an Associate Justice. Retiring Chief Justice Burger will administer the Judicial Oath of Office.

II. BACKGROUND

Last week, the Senate confirmed your nominations. Upon taking the oath of office required by the Constitution and by statute, Chief Justice Rehnquist and Justice Scalia will be qualified to perform the duties of their respective offices.

III. PARTICIPANTS

The President and Mrs. Reagan, Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist, Judge and Mrs. Scalia.

IV. PRESS PLAN

There will be open television and press coverage.

V. SEQUENCE OF EVENTS

You and Mrs. Reagan will greet the participants in the Blue Room and proceed to the East Room. You will introduce Chief Justice Burger to administer the oath. Chief Justice Burger will first swear in Justice Rehnquist and then Judge Scalia, each of whom will deliver brief remarks. You will then congratulate the new Chief Justice and Associate Justice and deliver your principal remarks.

You and Mrs. Reagan will escort the Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of the East Room where they will form a receiving line. Guests will be invited to the State Dining Room where refreshments will be served.

---

Attachment: Brief Introductory Remarks  
Principal Remarks

SCHEDULE OF SWEARING-IN PROCEEDINGS  
East Room of The White House  
Friday, September 26, 1986

---

1. 10:30 a.m. - Guests assemble in East Room
2. 10:45 a.m. - Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist and Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Regan and Peter Wallison assemble in the Blue Room
3. 10:55 a.m. - President and Mrs. Reagan descend from living quarters and enter Blue Room
4. 11:00 a.m. - Participants enter East Room; Mrs. Burger and Messrs. Meese, Regan and Wallison take their seats.
5. 11:01 a.m. - President and Mrs. Reagan enter East Room; Mrs. Reagan takes her seat.
6. 11:02 a.m. - President proceeds to podium
7. 11:03 a.m. - President makes very brief introductory remarks:
  1. Greets guests
  2. Refers to nominations, consent of Senate, signed commissions
  3. Introduces Burger to administer oaths
8. 11:04 a.m. - Chief Justice Burger approaches podium together with Justice and Mrs. Rehnquist; remarks by Chief Justice Burger
9. 11:05 a.m. - Chief Justice Burger administers oath to Justice Rehnquist
10. 11:06 a.m. - Remarks by Chief Justice Rehnquist
11. 11:07 a.m. - Chief Justice and Mrs. Rehnquist withdraw from the podium
12. 11:08 a.m. - Judge Scalia and Mrs. Scalia approach podium
13. 11:09 a.m. - Chief Justice Burger administers oath to Judge Scalia

14. 11:10 a.m. - Remarks by Justice Scalia
15. 11:11 a.m. - Justice and Mrs. Scalia withdraw from the podium
16. 11:12 a.m. - President Reagan approaches the podium
17. 11:13 a.m. - President Reagan congratulates new Justices and delivers remarks
18. 11:18 a.m. - President and Mrs. Reagan escort Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of East Room
19. 11:19 a.m. - Guests proceed to receiving line and State Dining Room



SCHEDULE OF SWEARING-IN PROCEEDINGS  
East Room of The White House  
Friday, September 26, 1986

---

1. 10:30 a.m. - Guests assemble in East Room
2. 10:45 a.m. - Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist and Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Regan and Peter Wallison assemble in the Blue Room
3. 10:55 a.m. - President and Mrs. Reagan descend from living quarters and enter Blue Room
4. 11:00 a.m. - Participants enter East Room; Mrs. Burger and Messrs. Meese, Regan and Wallison take their seats.
5. 11:01 a.m. - President and Mrs. Reagan enter East Room; Mrs. Reagan takes her seat.
6. 11:02 a.m. - President proceeds to podium
7. 11:03 a.m. - President makes very brief introductory remarks:
  1. Greets guests
  2. Refers to nominations, consent of Senate, signed commissions
  3. Introduces Burger to administer oaths
8. 11:04 a.m. - Chief Justice Burger approaches podium together with Justice and Mrs. Rehnquist; remarks by Chief Justice Burger
9. 11:05 a.m. - Chief Justice Burger administers oath to Justice Rehnquist
10. 11:06 a.m. - Remarks by Chief Justice Rehnquist
11. 11:07 a.m. - Chief Justice and Mrs. Rehnquist withdraw from the podium
12. 11:08 a.m. - Judge Scalia and Mrs. Scalia approach podium
13. 11:09 a.m. - Chief Justice Burger administers oath to Judge Scalia

14. 11:10 a.m. - Remarks by Justice Scalia
15. 11:11 a.m. - Justice and Mrs. Scalia withdraw from the podium
16. 11:12 a.m. - President Reagan approaches the podium
17. 11:13 a.m. - President Reagan congratulates new Justices and delivers remarks
18. 11:18 a.m. - President and Mrs. Reagan escort Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of East Room
19. 11:19 a.m. - Guests proceed to receiving line and State Dining Room

THE WHITE HOUSE  
WASHINGTON

PJW:ACR:nge

cc: PJWallison ✓  
ACRaul  
Chron

September 24, 1986

SWEARING-IN OF WILLIAM REHNQUIST AND ANTONIN SCALIA

September 26, 1986

EAST ROOM

11:00 A.M.

FROM: PETER J. WALLISON  
COUNSEL TO THE PRESIDENT

I. PURPOSE

At this ceremony, Justice William H. Rehnquist will be sworn in as the 16th Chief Justice of the United States and Antonin Scalia will be sworn in as an Associate Justice. Retiring Chief Justice Burger will administer the Judicial Oath of Office.

II. BACKGROUND

Last week, the Senate confirmed your nominations. Upon taking the oath of office required by the Constitution and by statute, Chief Justice Rehnquist and Justice Scalia will be qualified to perform the duties of their respective offices.

III. PARTICIPANTS

The President and Mrs. Reagan, Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist, Judge and Mrs. Scalia.

IV. PRESS PLAN

There will be open television and press coverage.

V. SEQUENCE OF EVENTS

You and Mrs. Reagan will greet the participants in the Blue Room and proceed to the East Room. You will introduce Chief Justice Burger to administer the oath. Chief Justice Burger will first swear in Justice Rehnquist and then Judge Scalia, each of whom will deliver brief remarks. You will then congratulate the new Chief Justice and Associate Justice and deliver your principal remarks.

You and Mrs. Reagan will escort the Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of the East Room where they will form a receiving line. Guests will be invited to the State Dining Room where refreshments will be served.

---

Attachment: Brief Introductory Remarks  
Principal Remarks

SCHEDULE OF SWEARING-IN PROCEEDINGS  
East Room of The White House  
Friday, September 26, 1986

---

1. 10:30 a.m. - Guests assemble in East Room
2. 10:45 a.m. - Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist and Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Regan and Peter Wallison assemble in the Blue Room
3. 10:55 a.m. - President and Mrs. Reagan descend from living quarters and enter Blue Room
4. 11:00 a.m. - Participants enter East Room; Mrs. Burger and Messrs. Meese, Regan and Wallison take their seats.
5. 11:01 a.m. - President and Mrs. Reagan enter East Room; Mrs. Reagan takes her seat.
6. 11:02 a.m. - President proceeds to podium
7. 11:03 a.m. - President makes very brief introductory remarks:
  1. Greets guests
  2. Refers to nominations, consent of Senate, signed commissions
  3. Introduces Burger to administer oaths
8. 11:04 a.m. - Chief Justice Burger approaches podium together with Justice and Mrs. Rehnquist; remarks by Chief Justice Burger
9. 11:05 a.m. - Chief Justice Burger administers oath to Justice Rehnquist
10. 11:06 a.m. - Remarks by Chief Justice Rehnquist
11. 11:07 a.m. - Chief Justice and Mrs. Rehnquist withdraw from the podium
12. 11:08 a.m. - Judge Scalia and Mrs. Scalia approach podium
13. 11:09 a.m. - Chief Justice Burger administers oath to Judge Scalia

14. 11:10 a.m. - Remarks by Justice Scalia
15. 11:11 a.m. - Justice and Mrs. Scalia withdraw from the podium
16. 11:12 a.m. - President Reagan approaches the podium
17. 11:13 a.m. - President Reagan congratulates new Justices and delivers remarks
18. 11:18 a.m. - President and Mrs. Reagan escort Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of East Room
19. 11:19 a.m. - Guests proceed to receiving line and State Dining Room

THE WHITE HOUSE

PJW:ACR:nge

WASHINGTON

cc: PJWallison  
ACRaul  
Chron

September 24, 1986

SWEARING-IN OF WILLIAM REHNQUIST AND ANTONIN SCALIA

September 26, 1986

EAST ROOM

11:00 A.M.

FROM: PETER J. WALLISON  
COUNSEL TO THE PRESIDENT

I. PURPOSE

At this ceremony, Justice William H. Rehnquist will be sworn in as the 16th Chief Justice of the United States and Antonin Scalia will be sworn in as an Associate Justice. Retiring Chief Justice Burger will administer the Judicial Oath of Office.

II. BACKGROUND

Last week, the Senate confirmed your nominations. Upon taking the oath of office required by the Constitution and by statute, Chief Justice Rehnquist and Justice Scalia will be qualified to perform the duties of their respective offices.

III. PARTICIPANTS

The President and Mrs. Reagan, Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist, Judge and Mrs. Scalia.

IV. PRESS PLAN

There will be open television and press coverage.

V. SEQUENCE OF EVENTS

You and Mrs. Reagan will greet the participants in the Blue Room and proceed to the East Room. You will introduce Chief Justice Burger to administer the oath. Chief Justice Burger will first swear in Justice Rehnquist and then Judge Scalia, each of whom will deliver brief remarks. You will then congratulate the new Chief Justice and Associate Justice and deliver your principal remarks.

You and Mrs. Reagan will escort the Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of the East Room where they will form a receiving line. Guests will be invited to the State Dining Room where refreshments will be served.

---

Attachment: Brief Introductory Remarks  
Principal Remarks



SCHEDULE OF SWEARING-IN PROCEEDINGS  
East Room of The White House  
Friday, September 26, 1986

---

1. 10:30 a.m. - Guests assemble in East Room
2. 10:45 a.m. - Chief Justice and Mrs. Burger, Justice and Mrs. Rehnquist and Judge and Mrs. Scalia, Attorney General Meese, Chief of Staff Regan and Peter Wallison assemble in the Blue Room
3. 10:55 a.m. - President and Mrs. Reagan descend from living quarters and enter Blue Room
4. 11:00 a.m. - Participants enter East Room; Mrs. Burger and Messrs. Meese, Regan and Wallison take their seats.
5. 11:01 a.m. - President and Mrs. Reagan enter East Room; Mrs. Reagan takes her seat.
6. 11:02 a.m. - President proceeds to podium
7. 11:03 a.m. - President makes very brief introductory remarks:
  1. Greets guests
  2. Refers to nominations, consent of Senate, signed commissions
  3. Introduces Burger to administer oaths
8. 11:04 a.m. - Chief Justice Burger approaches podium together with Justice and Mrs. Rehnquist; remarks by Chief Justice Burger
9. 11:05 a.m. - Chief Justice Burger administers oath to Justice Rehnquist
10. 11:06 a.m. - Remarks by Chief Justice Rehnquist
11. 11:07 a.m. - Chief Justice and Mrs. Rehnquist withdraw from the podium
12. 11:08 a.m. - Judge Scalia and Mrs. Scalia approach podium
13. 11:09 a.m. - Chief Justice Burger administers oath to Judge Scalia

14. 11:10 a.m. - Remarks by Justice Scalia
15. 11:11 a.m. - Justice and Mrs. Scalia withdraw from the podium
16. 11:12 a.m. - President Reagan approaches the podium
17. 11:13 a.m. - President Reagan congratulates new Justices and delivers remarks
18. 11:18 a.m. - President and Mrs. Reagan escort Chief Justice and Mrs. Burger, Chief Justice and Mrs. Rehnquist and Justice and Mrs. Scalia out of East Room
19. 11:19 a.m. - Guests proceed to receiving line and State Dining Room

THE WHITE HOUSE

WASHINGTON

September 25, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

ALAN CHARLES RAUL *AK*

SUBJECT:

Brief Introductory Remarks for  
President at Swearing-In Ceremony

Attached for your review are brief introductory remarks for the President at Friday's ceremony. I assume we should submit our draft to Tony Dolan and David Chew.

Attachment

THE WHITE HOUSE

WASHINGTON

September 24, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: ALAN CHARLES RAUL 

SUBJECT: East Room Swearing-In Ceremony

Attached for your review and signature is a revised Briefing Paper for the President regarding Friday's swearing-in ceremony.

I have also attached a revised draft schedule of the proceedings. Should we provide this draft to the Social Secretary's Office?

Attachment

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: David L. Chew

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Remarks Swearing in Chief Justice William Rehnquist and Justice Antonin Scalia

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>Cu HOLL</u>		ORIGINATOR	<u>86109124</u>		<u>1 1</u>
<u>Cu AT 27</u>		<u>R</u>	<u>86109124</u>	<u>S</u>	<u>86109124</u> <u>5:30</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

**ACTION CODES:**

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

## WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/24/86 ACTION/CONCURRENCE/COMMENT DUE BY: 5:30 p.m. TODAY

SUBJECT: \_\_\_\_\_ REMARKS: SWEARING IN OF CHIEF JUSTICE WILLIAM REHNQUIST  
AND JUSTICE ANTONIN SCALIA  
(9/24/86 2:30 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	<u>DOLAN</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please give your comments/edits directly to Tony Dolan with an info copy to my office by 5:30 p.m. today. Thanks.

RESPONSE:

1986 SEP 24 PM 3:23

David L. Chew  
Staff Secretary  
Ext. 2702

(Judge)  
September 24, 1986  
2:30 p.m.

PRESIDENTIAL REMARKS: SWEARING IN OF CHIEF JUSTICE WILLIAM REHNQUIST AND JUSTICE ANTONIN SCALIA  
FRIDAY, SEPTEMBER 26, 1986

Mr. Chief Justice and Mr. Chief Justice, Members of the Court, Ladies and Gentlemen: Today we mark one of those moments of passage and renewal that has kept our republic alive and strong, as Lincoln called it this last best hope of man on Earth, for all the years since its founding. One chief justice of our Supreme Court has stepped down. And together with a new associate justice, another has taken his place. As the Constitution requires, they have been nominated by the President, confirmed by the Senate and they have taken the oath that is ~~written into~~ the Constitution itself -- the oath, as it says, "to preserve, protect and defend the Constitution of the United States... so help me God."

In marking this moment of transition, let me first say, on behalf of all Americans, how grateful we are to Chief Justice Burger. For 18 years on the Supreme Court and for 13 years before that on the Court of Appeals for the D.C. Circuit, the Chief Justice's service to our Nation has been a monument of integrity and of dedication to principle -- and especially to the judiciary itself. But Mr. Chief Justice, we know your service isn't ending today. How appropriate it is that you will be guiding the bicentennial celebration of that Constitution that you have served with such distinction over the years. And what a lasting contribution this will be because of your work, Americans in all walks of life will come to have an even more profound

required by

7

13 years ?

AB

knowledge of the rule of law and the sacred document upon which it rests. Your service as Chief Justice has been outstanding and it is a mark of your generosity that you have agreed to offer yourself for additional service to your country and the law.

Our new Chief Justice is one of America's most brilliant jurists. From his days in law school, where he graduated first in his class, he has been recognized for his extraordinary legal insight. On the Court he has distinguished himself through the brilliance of his reason and the clarity, the craftsmanship of his opinions. I nominated William Rehnquist because I believe he will be a Chief Justice of historic stature.

Associate Justice Antonin Scalia is also a brilliant judge. Like the Chief Justice, he was first in his ~~law school~~<sup>college</sup> class. He had a distinguished career as a lawyer and as a professor of law before joining the D.C. Court of Appeals 4 years ago. There he became known for his integrity and independence and for the force of his intellect. Chief Justice Rehnquist and Justice Scalia, congratulations to both of you.

With these two outstanding men taking their new positions, this is, as I said, a time of renewal in the great Constitutional system that our forefathers gave us -- a good time to reflect on the inspired wisdom we call our Constitution, a time to remember that the Founding Fathers gave careful thought to the role of the Supreme Court. In that small room in Philadelphia, they debated whether the justices should have life terms or not, whether they should be part of one of the other branches or not and whether they should have the right to declare acts of the other branches

What support for this? I thought Marbury established this. I did not realize it was debated in the Convention



of Government unconstitutional or not. They settled on a judiciary that would be independent and strong, but one that would also, they believed, be restrained, that would not have a too assertive role in the delicate arrangement of checks and balances.

~~But in the Convention and during the debates on ratification, some said that there was a danger of the courts making laws rather than interpreting them. They remembered the warning of the French constitutional philosopher Montesquieu, who said, "There is no liberty if the power of judging be not separated from the legislative... powers." Still~~ the Framers of our Constitution believed that the judiciary would be "the least dangerous" branch of the government, because, as Alexander Hamilton wrote in the Federalist Papers, it had "neither force nor will but merely judgment" and its judgments would be strictly limited to the construction of the Constitution. And this was a position that Americans of all persuasions supported.

Hamilton and Thomas Jefferson disagreed on most of the great issues of their day just about as many of us have disagreed in ours. And yet they helped begin our long tradition of loyal opposition, of standing on opposite sides of almost every question while still working together for the good of the country. Yet, for all their differences they both agreed -- as should we -- on the importance of judicial restraint. "Our peculiar security," Jefferson warned, "is in the possession of a written Constitution." And he made this appeal: "Let us not make a blank page [of it] by construction."

Hamilton, Jefferson and all the Founding Fathers recognized that the Constitution is the supreme and ultimate expression of the will of the American people. They saw that no one in office could remain above it, if freedom was to survive through the ages. They understood that, in the words of James Madison, if "the sense in which the Constitution was accepted and ratified by the nation... [is] not a guide for expounding it, there can be no security for... a faithful exercise of its powers."

The Founding Fathers were clear and specific on this issue. For them, the question involved in judicial restraint was not -- as it is not -- will we have liberal or conservative courts? They knew that the courts, like the Constitution itself, must not be liberal or conservative. The question was and is, will we have a Government by the people or by one branch of government that has seized too much power? So they feared a judiciary responsible to no one, dressing up its decrees in Constitutional costume.

And this is why the principle of judicial restraint has had an honored place in our tradition. Progressive as well as conservative judges have insisted on its importance -- Justice Holmes, for example, and Justice Felix Frankfurter, who once said, "[T]he highest exercise of judicial duty is to subordinate one's personal pulls and one's private views to the law... [to] those impersonal convictions that make a society a civilized community, and not the victims of personal rule."

Chief Justice Rehnquist and Justice Scalia have demonstrated in their opinions that they stand with Holmes and Frankfurter on

this question. I nominated them for that reason. They understand that the genius of our Constitution is in its first three words, "We, the People." We the people created the Government. Its powers come from we the people. To keep Government out of the hands of passing factions, and in the hands of the people; the Founding Fathers designed the system of checks and balances, of limited Government and of federalism. They did this because they knew that the great preserver of our freedoms would never be the courts or either of the other branches alone: It would not be the States. And it would not be the Bill of Rights or any particular law. They believed that the great preserver of our freedoms would always be the totality of our Constitutional system, with no part getting the upper hand. This is why the judiciary must be independent. And that is also why it must exercise restraint.

So our protection is in the Constitutional system... and one other place as well. Lincoln asked, "What constitutes the bulwark of our own liberty?" And he answered, "It is in the love of liberty which God has planted in us." We the people are the ultimate defenders of freedom. Our love of liberty, our spiritual strength, our dedication to the Constitution are what preserves our great Nation and this great hope for all mankind. All of us, as Americans, are joined in a great common enterprise to write the story of freedom -- the greatest adventure mankind has ever known and one we must pass onto our children and their children -- remembering that freedom is never more than one generation away from extinction.

The warning, more than a century ago, attributed to Daniel Webster, remains as timeless as the document he revered. "Miracles do not cluster," he said, "hold onto the Constitution of the United States of America and to the Republic for which it stands -- what happened once in 6,000 years may never happen again. Hold onto your Constitution, for if the American Constitution shall fall there will be anarchy throughout the world."

Holding onto the Constitution -- this has been the service of Chief Justice Burger, and a grateful Nation honors him today. So, too, I can think of no two better public servants to continue that work than Chief Justice Rehnquist and Justice Scalia. You both have our Nation's heartfelt wishes for success and happiness.

*Thank guests and say that justices will be available to greet them in the main hall.*

THE WHITE HOUSE

WASHINGTON

September 24, 1986

MEMORANDUM FOR ANTHONY DOLAN  
SPECIAL ASSISTANT TO THE PRESIDENT AND  
CHIEF SPEECHWRITER

FROM: ALAN CHARLES RAUL *AR*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Remarks: Swearing In of Chief Justice  
William Rehnquist and Justice Antonin Scalia

We have reviewed the above-referenced Remarks and have attached a marked-up copy noting a few of our suggestions. We have suggested deletions in a number of places to shorten the speech somewhat and to avoid a confrontational tone that could offend some of the guests at the swearing-in, including Supreme Court Justices, who disagree with the President's philosophy.

cc: David L. Chew

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: David L. Chew

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Remarks Swearing in Chief Justice William Rehnquist and Justice Antonin Scalia

ROUTE TO:	ACTION	DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CU HOLL</u>	ORIGINATOR	<u>8610924</u>		<u>1 1</u>
<u>CU AT 27</u>	Referral Note: <u>R</u>	<u>8610924</u>	<u>S</u>	<u>8610924</u> <u>5:30</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

**ACTION CODES:**

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet  
to be used as Enclosure
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/24/86 ACTION/CONCURRENCE/COMMENT DUE BY: 5:30 p.m. TODAY

SUBJECT: \_\_\_\_\_ REMARKS: SWEARING IN OF CHIEF JUSTICE WILLIAM REHNQUIST  
AND JUSTICE ANTONIN SCALIA  
(9/24/86 2:30 p.m. draft)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MILLER - ADMIN.	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	<u>DOLAN</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please give your comments/edits directly to Tony Dolan with an info copy to my office by 5:30 p.m. today. Thanks.

RESPONSE: \_\_\_\_\_

1986 SEP 24 PM 3:23

David L. Chew  
Staff Secretary  
Ext. 2702

(Judge)  
September 24, 1986  
2:30 p.m.

PRESIDENTIAL REMARKS: SWEARING IN OF CHIEF JUSTICE WILLIAM REHNQUIST AND JUSTICE ANTONIN SCALIA FRIDAY, SEPTEMBER 26, 1986

Mr. Chief Justice and Mr. Chief Justice, Members of the Court, Ladies and Gentlemen: Today we mark one of those moments of passage and renewal that has kept our republic alive and strong, as Lincoln called it this last best hope of man on Earth, for all the years since its founding. One chief justice of our Supreme Court has stepped down. And together with a new associate justice, another has taken his place. As the Constitution requires, they have been nominated by the President, confirmed by the Senate and they have taken the oath that is ~~written into~~ the Constitution itself -- the oath, as it says, "to preserve, protect and defend the Constitution of the United States... so help me God."

required by

In marking this moment of transition, let me first say, on behalf of all Americans, how grateful we are to Chief Justice Burger. For 18 years on the Supreme Court and for 13 years before that on the Court of Appeals for the D.C. Circuit, the Chief Justice's service to our Nation has been a monument of integrity and of dedication to principle -- and especially to the judiciary itself. But Mr. Chief Justice, we know your service isn't ending today. How appropriate it is that you will be guiding the bicentennial celebration of that Constitution that you have served with such distinction over the years. And what a lasting contribution this will be <sup>JB</sup> because of your work, Americans in all walks of life will come to have an even more profound

it's not written in Constitution

check

7

[sworn in June 1969]



knowledge of the rule of law and the sacred document upon which it rests. Your service as Chief Justice has been outstanding and it is a mark of your generosity that you have agreed to offer yourself for additional service to your country and the law.

Our new Chief Justice is one of America's most brilliant jurists. From his days in law school, where he graduated first in his class, he has been recognized for his extraordinary legal insight. On the Court he has distinguished himself through the brilliance of his reason and the clarity, the craftsmanship of his opinions. I nominated William Rehnquist because I believe he will be a Chief Justice of historic stature.

Associate Justice Antonin Scalia is also a brilliant judge. [Like the Chief Justice,] he was first in his ~~law school~~ <sup>college</sup> class. He had a distinguished career as a lawyer and as a professor of law before joining the D.C. Court of Appeals 4 years ago. There he became known for his integrity and independence and for the force of his intellect. Chief Justice Rehnquist and Justice Scalia, congratulations to both of you.

With these two outstanding men taking their new positions, this is, as I said, a time of renewal in the great Constitutional system that our forefathers gave us -- a good time to reflect on the inspired wisdom we call our Constitution, a time to remember that the Founding Fathers gave careful thought to the role of the Supreme Court. In that small room in Philadelphia, they debated whether the justices should have life terms or not, whether they should be part of one of the other branches or not and whether they should have the right to declare acts of the other branches

↑ not actually decided until Marbury v. Madison

check

of Government unconstitutional or not. They settled on a judiciary that would be independent and strong, but one <sup>whose power</sup> ~~that~~ would also, they believed, be restrained, ~~that would not have a too assertive role in the delicate arrangement of checks and balances.~~ *No H*

~~But in the Convention and during the debates on ratification, some said that there was a danger of the courts making laws rather than interpreting them. They remembered the warning of the French constitutional philosopher Montesquieu, who said, "There is no liberty if the power of judging be not separated from the legislative... powers." Still~~ The Framers of our Constitution believed that the judiciary would be "the least dangerous" branch of the government, because, as Alexander

Hamilton wrote in the Federalist Papers, it had "neither force nor will but merely judgment" <sup>By ~~merely~~ duty</sup> *Thus, the judicial department's duty is to say what the law is, while* ~~and its judgments would be strictly limited to the construction of the Constitution. And this was a position that Americans of all persuasions supported.~~ *the power to make those laws is balanced in the two elected branches*

*undertakes the*  
Hamilton and Thomas Jefferson disagreed on most of the great issues of their day just about as many of us have disagreed in ours. ~~And yet~~ <sup>But</sup> they helped begin our long tradition of loyal opposition, of standing on opposite sides of almost every question while still working together for the good of the country. <sup>Yet</sup>, for all their differences they both agreed -- as should we -- on the importance of judicial restraint. "Our peculiar security," Jefferson warned, "is in the possession of a written Constitution." And he made this appeal: "Let us not make a blank page [of it] by construction."

Hamilton, Jefferson and all the Founding Fathers recognized that the Constitution is the supreme and ultimate expression of the will of the American people. They saw that no one in office could remain above it, if freedom was to survive through the ages. They understood that, in the words of James Madison, if "the sense in which the Constitution was accepted and ratified by the nation... [is] not a guide for expounding it, there can be no security for... a faithful exercise of its powers."

~~The Founding Fathers were clear and specific on this issue. For them, the question involved in judicial restraint was not -- as it is not -- will we have liberal or conservative courts? They knew that the courts, like the Constitution itself, must not be liberal or conservative. The question was and is, will we have a Government by the people or by one branch of government that has seized too much power? So they feared a judiciary responsible to no one, dressing up its decrees in Constitutional costume.~~

(perhaps) strong since Justice Brennan and Marshall will be guests

And this is why the principle of judicial restraint has had an honored place in our tradition. Progressive as well as conservative judges have insisted on its importance -- Justice Holmes, for example, and Justice Felix Frankfurter, who once said, "[T]he highest exercise of judicial duty is to subordinate one's personal pulls and one's private views to the law... [to] those impersonal convictions that make a society a civilized community, and not the victims of personal rule."

A" suggests delete to make pair Stro.

Chief Justice Rehnquist and Justice Scalia have demonstrated in their opinions that they stand with Holmes and Frankfurter on

this question. I nominated them for that reason. They understand that the genius of our Constitution is in its first three words, "We, the People." We the people created the Government. Its powers come from we the people. To keep Government out of the hands of passing factions, and in the hands of the people; the Founding Fathers designed the system of checks and balances, of limited Government and of federalism. They did this because they knew that the great preserver of our freedoms would never be the courts or either of the other branches alone: It would not be the States. And it would not be the Bill of Rights or any particular law. They believed that the great preserver of our freedoms would always be the totality of our Constitutional system, with no part getting the upper hand. This is why the judiciary must be independent. And that is also why it must exercise restraint.

So our protection is in the Constitutional system... and one other place as well. Lincoln asked, "What constitutes the bulwark of our own liberty?" And he answered, "It is in the love of liberty which God has planted in us." We the people are the ultimate defenders of freedom. Our love of liberty, our spiritual strength, our dedication to the Constitution are what preserves our great Nation and this great hope for all mankind. All of us, as Americans, are joined in a great common enterprise to write the story of freedom -- the greatest adventure mankind has ever known and one we must pass onto our children and their children -- remembering that freedom is never more than one generation away from extinction.

The warning, more than a century ago, attributed to Daniel Webster, remains as timeless as the document he revered. "Miracles do not cluster," he said, "hold onto the Constitution of the United States of America and to the Republic for which it stands -- what happened once in 6,000 years may never happen again. Hold onto your Constitution, for if the American Constitution shall fall there will be anarchy throughout the world."

Holding onto the Constitution -- this has been the service of Chief Justice Burger, and a grateful Nation honors him today. So, too, I can think of no two better public servants to continue that work than Chief Justice Rehnquist and Justice Scalia. You both have our Nation's heartfelt wishes for success and happiness.

Thank you all for ~~attending~~ joining  
in this important ceremony. ~~and I~~  
~~hope you will be~~ I know that, in  
a few moments,  
our new Chief Justice and  
Associate Justice look forward  
to greeting each you in the  
main hall.