file SC/Scalia

THE WHITE HOUSE

WASHINGTON

June 23, 1986

Dear Nino:

I enclose the memorandum we discussed today. There is nothing startling in its analysis, but I thought you would like to have a thorough consideration of an issue that always comes up in the process on which you are about to embark.

Please let me know if there is anything I can help you with.

Sincerely,

Peter J. Wallison
Counsel to the President

The Honorable
Antonin Scalia
U.S. Court of Appeals
for the District of Columbia
Washington, D.C.

Enclosure

TBO:BRS:djd

Appropriate Limitations on Response by Nominees to the Supreme Court in the Course of Confirmation Hearings

1 MAR 1982

Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

By your memorandum to me of September 21, 1981, you forwarded to me a copy of a statement by Senators East, Denton, and Grassley entered into the record at the time of their vote on the nomination of Judge Sandra Day O'Connor to serve as Associate Justice of the Supreme Court. The statement is highly critical of certain answers that the nominee gave (or failed to give) in response to questions posed by members of the Senate Judiciary Committee. Accordingly, you have suggested that we might be well served with respect to future nominations to the Supreme Court (and to other federal courts) if we have reviewed the matter and are prepared to discuss with the Senate Judiciary Committee Staff our position on the appropriate limitations on responses. You also advised that, at your request, OLA would compile for circulation and future discussion among us the information relating to the issue. I have prepared and offer the attached memorandum for the file that you are compiling.

Enclosure

Subject	Date
Appropriate Limitations on Responses by Nominees to the Supreme Court in the Course of Confirmation Hearings	[illegible] 1992

To

Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

From

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

In the course of her confirmation hearing before the Senate Judiciary Committee and in written communications with various Senators in advance of the hearing, Justice Sandra Day O'Connor answered certain questions in a manner that some Senators found to be unresponsive. Those questions generally related to how the Justice would respond to certain constitutional issues. 1/

1/ Illustrative are the following questions:

In a letter of July 16, 1981, Senator Helms asked

> "1. Do you believe that the Supreme Court's decision in Roe v. Wade; 410 U.S. 113 (1973), was a proper exercise of judicial authority under the Constitution and a correct interpretation of the Constitution? If not, how do you believe the Case should have been decided?
>
> "2. What is the proper application of the doctrine of stare decisis in constitutional law? Specifically, what is the duty of the United States Supreme Court when it is confronted with a case in which one of its own precedents clearly conflicts with the Constitution as the members of the Court believe it ought properly to be construed?"

In a letter of September 9, 1981, Senator Humphrey asked

> "1. Do you believe that all human beings should be regarded as persons for purposes of the right to life protected by the Fifth and Fourteenth Amendments?
>
> "2. In your opinion, is the unborn child a human being?

[Footnote continued on page 2]

Following the confirmation vote, Senators East, Denton, and Grassley submitted a statement for the record criticizing Justice O'Connor's answers. The Senators stressed the Committee's duty to assist the Senate in its function of rendering advice on and consent to judicial nominations by the President and asserted the Committee's need to be "fully informed on the question whether the nominee would prove to be a good Justice or not." Specifically, the Senators asserted that the Committee

> "must know the nominee's stand on important constitutional issues, including how the nominee would interpret specific provisions of the Constitution. It must know the nominee's fundamental social and economic philosophy insofar as that philosophy would guide the nominee in interpreting the Constitution."

The statement sets forth the view of these three Senators that many of the questions asked Justice O'Connor were necessary "to provide the same degree of illumination on her constitutional views as has been available on the constitutional views of previous nominees who have more experience with these issues";

1/ Continued

> "3. What is your opinion of the decision of the Supreme Court in the 1973 abortion cases, Roe v. Wade and Doe v. Bolton?
>
> "4. Do you believe the Constitution should be interpreted to permit the states to prohibit abortion? If you answer is yes, are there any types of abortions where you think the Constitution should be interpreted so as not to allow such prohibition?
>
> "5. Do you think the Constitution should be interpreted to permit the states to require the consent of parents before their unmarried, unemancipated minor child has abortion performed on her?
>
> "6. Do you think the Constitution should be interpreted to permit the states to require the consent of parents before their unmarried, unemancipated minor child is sterilized?
>
> "7. Do you think the Constitution should be interpreted to permit the states to require the consent of parents before their unmarried, unemancipated minor child is given contraceptives by a third party?"

that the questions would not have "impaired [her] ability to decide future cases"; that her "vague and general answers . . . prevented the Senators from learning much about her judicial philosophy"; that she "failed to answer those questions which are most valuable in determining how she will perform as an Associate Justice"; that "this failure may set a dangerous precedent for future nominations to the Supreme Court"; and that "the Senate cannot well perform its advice and consent function under such circumstances."

The record of the Senate Judiciary hearings indicates that Justice O'Connor's position was not based on contentiousness or evasiveness. It was apparently designed merely to implement the statutory disqualification standard imposed under 28 U.S.C. § 455. Nor was Justice O'Connor the first nominee to decline to answer certain questions. Historical practice reveals similar announcements by other nominees that certain questions would not be answered and, additionally, acceptance by Members of the Senate of the limitations imposed. The practice is further supported in an in-chambers opinion by Justice Rehnquist on a motion for disqualification. At least two historical examples indicate the dangers of the contrary practice.

At the heart of the issue is the statutory standard under 28 U.S.C. § 455(a) for disqualification of justices and judges. The statute provides that "[a]ny justice [or] judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." See also ABA Code of Judicial Conduct, Canon 3C 2/; 28 U.S.C. § 453. 3/ Under the formulation, of course, lack of impartiality in fact is not required to trigger the duty of disqualification. The statute is applicable if the Justice's impartiality might reasonably be questioned. See, e.g., SCA Services, Inc. v. Morgan, 557 F.2d 110 (CA7 1977). As the Court has repeatedly stated in a variety of contexts, "justice must satisfy the appearance of justice." See Richmond Newspapers Inc. v. Virginia, 448 U.S. 555, 572 (1980)(opinion

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2/ The Code is viewed as imposing standards that are not "materially different" from the statute, and so it is generally not separately considered. See Laird v. Tatum, 409 U.S. 824, 825 (1972)(memorandum of Rehnquist, J.).

3/ Section 453 imposes as a part of the oath of office the duty "faithfully and impartially discharge and perform the duties" incumbent upon the Justice as a member of the Court.

of Burger, C.J.)(right of the public to attend criminal trials); Proctor v. Warden, 435 U.S. 559, 560 (1978) (per curiam)(right to appellate review); Swain v. Alabama, 380 U.S. 202, 219 (1965)(use of peremptory challenges); In re Murchison, 349 U.S. 133, 136 (1955)(prohibition of trial for contempt by judge who previously acted as "one-man grand jury"); Offutt v. United States, 348 U.S. 11, 14 (1954) (prohibition of trial for contempt before judge involved in the misconduct).

A counterpart to the disqualification requirement is the duty of judges and justices to sit when they are not disqualified. This corollary duty, uniformly recognized to be equally as strong as the duty not to sit when disqualified, 4/ creates the obligation by judges and justices to avoid situations that might later require disqualification. The consequences of disqualification on the Supreme Court are greater than on any other court. The burden on fellow Justices is increased. The Court also loses the contribution to the decisionmaking process of the views of the disqualified Justice. In any particular case, the input of that Justice might have changed the result by convincing another Justice of the wisdom of a contrary vote. Moreover, because of the inability to replace the disqualified Justice, as might be done on a lower court, the result in a particular case might also be affected if the loss on one vote produces a Court that is equally divided. The Court simply affirms the decision that has come to it and thus fails to perform either its function of providing its judgment of the issue or its function of producing uniformity on important questions of federal law on issues where a split of authority exists. Such a judgment further affects the state of the law because it is regarded as being without precedential value; the rule of law that emerges is thus without even temporary certainty. Finally, if more than one Justice is disqualified, the decision might become particularly vulnerable to change or reversal by the slightest change in the membership of the Court. There is no higher Court to correct any of these problems.

4/ Mr. Justice Rehnquist collects the cases: Walker v. Bishop, 408 F.2d 1378 (CA8 1969); Wolfson v. Palmieri, 396 F.2d 121 (CA2 1968); United States v. Hoffa, 382 F.2d 856 (CA6 1967); Tynan v. United States, 126 U.S. App. D.C. 206, 376 F.2d 761 (1967); Edwards v. United States, 334 F.2d 360, 362 n.2 (CA5 1964); Simmons v. United States, 302 F.2d 71 (CA3 1962); In re Union Leader Corp., 292 F.2d 381 (CA1 1961); Tucker v. Kerner, 186 F.2d 79 (CA7 1950). See Laird v. Tatum, 409 U.S. 824, 837 (1972) (memorandum of Rehnquist, J.)

A clear example of a potential threat to the appearance of a justice's impartiality would be a prior statement as a nominee how he or she would vote in a particular case. The prior statement might suggest that the nominee, as a Justice on the Court, would not impartially consider the arguments presented by the parties. The appearance of impropriety arising from the prior statement would be further aggravated if the statement is made in the course of confirmation hearings. In this situation, it might appear that a commitment was made in return for a favorable vote on confirmation.

At times, the prior commitment might not seem so obvious. The question might be less specific than how the nominee would vote in a particular case. Instead, the nominee might be asked for his or her philosophy or point of view on a particular issue. If that issue, however, is currently before the Court, or is likely to come before the Court, the answer suggests the same prior commitment. Similar considerations are raised by a question about the nominee's view on the correctness of a prior decision of the Court because the decision is subject to reconsideration, explanation, or limitation in future cases. A question phrased in terms of correctness of a prior decision might therefore be only thinly disguised as an inquiry about the Court's past performance when actually the question is intended to be as much a predictor of the nominee's vote as is a direct question on the legal issue. 5/

Understandably, application of a standard designed to avoid a situation in which the justice's impartiality might reasonably be questioned has not been precisely uniform. The nominees have articulated slightly different reasons for refusing to answer questions and perhaps, too, have identified different questions that, to them, presented the problem. Thus, one nominee might answer a particular question that another would not. Moreover, under the pressure of questioning, a nominee might provide an answer that was more specific than he or she had intended to give. But strict consistency is not required to validate at least the general contours of the practice, its rationale, and its appropriate limitations.

5/ As Justice O'Connor discovered, questions phrased in terms of "correctness" can be even more controversial than direct questions. In a letter from Senator Helms, Justice O'Connor was asked whether she believed that a particular decision was "a proper exercise of judicial authority under the Constitution." This formulation includes not only a view of the "correctness" of the result but also the "correctness" of the decision by the Court on jurisdictional or prudential grounds to reach the merits and to resolve the legal issues in the manner that the Court did.

Recent practice in various confirmation hearings reveals not only the refusal by nominees to answer certain questions but the acceptance by the Senate of their right to refuse.

The hearing on the nomination of Justice Minton provides an extreme example of implementation of the requirement of impartiality. Justice Minton actually refused to appear at his confirmation hearing at all because he "might be required to express [his] views on highly controversial and litigious issues affecting the Court." See 95 Cong. Rec. 13803 (1949). We do not suggest that such an extreme position is necessarily warranted, required, or desirable. Yet this extreme position by a nominee, and, we would add, the Senate's confirmation of the nominee notwithstanding his extreme position, indicates that some restraint in answering questions is appropriate for the nominee and not an overwhelming obstacle for the Senate.

Other nominees have generally restricted their objections to questions related to prior cases or, more generally, issues before the Court or likely to come before the Court. Justice Harlan, for example, declined to respond to questions about the Steel Seizure Case 6/ and stated that if he were to comment upon cases which might come before him it would raise "the gravest kind of question as to whether I was qualified to sit on that Court." 7/

Similarly, Justice Stewart declined to answer whether he agreed with the premise and the philosophy of Brown v. Board of Education. To answer, Justice Stewart said, would not only disqualify his participation in pending and future cases involving the reasoning of Brown but would also involve "a serious problem of simple judicial ethics. It would or might be construed in a case as prejudice on [his] part, one way or the other, about cases that are before the court and now pending." 8/ Chief Justice Burger declined to comment on the

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6/ Hearings before the Senate Comm. on the Judiciary on the Nomination of John Marshall Harlan, of New York, to be Associate Justice of the United States, 84th Cong., 1st Sess. 167, 174 (1955).

7/ Id. at 138.

8/ See 1 United States Senate, Report of Proceedings, Hearing held before Committee on the Judiciary, Nomination of Potter Stewart to be Associate Justice of the Supreme Court of the United States 62-63 (1959), reprinted in The Supreme Court of the United States: Hearings and Reports on Successful and Unsuccessful Nominations of Supreme Court Justices by the Senate Judiciary Committee, 1916-1975 (Mersky and Jacobstein comp. 1977). Justice Stewart, it will be recalled, received a recess appointment.

reapportionment cases of Reynolds v. Sims, Baker v. Carr, and Lucas v. Colorado on the basis that he "should certainly observe the proprieties by not undertaking to comment on anything which might come either before the court on which I now sit or on any other court on which I may sit." 9/ He also declined to comment on the constitutional implications of the Court's denial of certiorari in a school prayer case because "it is a matter which [he] would assume is going to come before the court, and therefore it would be inappropriate for [him] to try to analyze the rationale of the denial of certiorari." 10/

More generally, at the confirmation hearing of Justice Blackmun, Senator Kennedy put forth a list of twenty constitutional issues implicated by various actions of the government at the time and asked Justice Blackmun for his view on "the Supreme Court as the protector of our basic liberties and our basic freedoms in the face of this challenge." Justice Blackmun, after noting that he was not well versed to comment on the items that were essentially political or economic, stated: "I suppose there are some others there that you have listed where perhaps a measure of restraint on my part would be indicated because I think some of those things are certain to come before the Court before too long." 11/

As a final example, Justice Rehnquist's numerous and varied refusals to respond to questions concerning issues likely to come before the Court are instructive. Justice Rehnquist recognized the quandary:

> "[T]he nominee is in an extraordinarily difficult position. He cannot answer a question which would try to engage him in predictions as to what he would do on a specific fact situation or a particular doctrine after it reaches the Court. And yet, any member of the committee is clearly entitled to probe

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9/ Hearing before the Senate Comm. on the Judiciary on the Nomination of Warren E. Burger, of Virginia, to be Chief Justice of the United States, 91st Cong., 1st Sess. 18 (1969).

10/ Id. at 19.

11/ Hearing before the Senate Comm. on the Judiciary on the Nomination of Harry A. Blackmun, of Minnesota, to be Associate Justice of the Supreme Court of the United States, 91st Cong., 2d Sess. 37 (1970). It should be noted, however, that Justice Blackmun, in discussing the issue of capital punishment, seemed to offer both his "personal philosophy" and some views on the permissible range of legislative action to impose the death penalty for particular offenses. See id. at 59-61.

as to what might be called, for lack of better words, the judicial philosophy of the nominee. 12/

In this quandary, Justice Rehnquist adopted a cautious position and declined to answer questions, for example, about whether probable cause was necessary before the Government could "bug" a person's home, 13/ whether Congress had gone too far in authorizing wiretaps and surveillance in cases not involving organized crime or national security, 14/ what a school board should do to equalize the quality of education provided to different segments of the community in the face of opposition both to busing and to a tax or financial plan to benefit inferior schools, 15/ and whether he would disqualify himself in particular cases (on the basis that disqualification was a "judicial act"). 16/

For their part, various Senators have commented on the dilemma and, in doing so, have recognized the difficulty inherent in the nominee's position. At Justice Rehnquist's hearing, in fact, Senator McClellan announced: "[i]t is not my intention here to ask you to comment on specific litigation that might be before or might come before the Court. But, I do wish to explore for the record, your understanding, in a general way, of the role of the Court and the men who sit on it as the guardians of our Nation's basic charter." 17/ At Chief Justice Burger's hearing, Senator Hruska stated: "it is understandable that any nominee to the Supreme Court will be reluctant to express himself or any matter that might come before him. That has been historically the case. However, we still must determine the integrity, the competence, and the experience of the nominee." 18/ Senator Mathias noted that the Chief Justice,

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12/ Hearings before the Senate Comm. on the Judiciary on the Nomination of William H. Rehnquist, of Arizona, and Lewis F. Powell, Jr., of Virginia, to be Associate Justices of the United States, 92d Cong., 1st Sess. 26 (1971).

13/ Id. at 65.

14/ Id. at 141.

15/ Id. at 170.

16/ Id. at 49.

17/ Id. at 18.

18/ Burger Hearings, supra note 9, at 20.

in his appearance before the Committee, had "certainly been a model of judicial restraint and very properly so. I think that you have met the questions of the commitee and yet reserved to yourself the very widest measure of judicial discretion which you will need in the years to come." 19/

Two historical examples of the danger of the contrary practice are instructive. In Hepburn v. Griswold, 75 U.S. (8 Wall.) 603 (1870), the Supreme Court, by a 5-3 vote (with one vacancy), held that the legal tender statutes were unconstitutional with respect to prior debts. Justice Grier, who voted with the majority in the case, had resigned by the time that the case was announced. On that day, the names of Joseph Bradley and William Strong were sent to the Senate for advice and consent on their appointment to the Supreme Court. Senator Cameron is reported to have stated that he would vote against Bradley unless he signed a letter to the effect that his opinion did not "coincide" with the majority opinion in the Legal Tender Case (and also that he did not think that the Constitution prohibited a congressional charter for a railroad from New Jersey to New York). In the end, Justice Bradley was confirmed without signing any letter or making any pledge, but he did later vote to overrule Hepburn. See Knox v. Lee, 79 U.S. (12 Wall.) 457 (1871). 20/ Presumably, the Justice's view of the merits of the legal issue was completely unrelated to Senator Cameron's campaign. Yet had the Senator persisted in his attempt to extract a statement, if not a commitment, from Justice Bradley, a highly unfavorable and improper impression of the Justice would have been created as a result of his vote in Knox.

Justice Rehnquist avoided a similar problem because he had declined to answer certain questions about the constitutionality of certain surveillance operations when asked for his views in the course of his confirmation hearing. The issue subsequently came before the Court in Laird v. Tatum, 408 U.S. 1 (1972). Respondents in that case, in fact, moved to disqualify Justice Rehnquist on the basis of prior statements that he had made on the general subject. The Justice determined that he would not disqualify himself because all Members of the Court had "propensities" on the general subject matters that came before them and his public articulation of his propensities prior to coming to the Court could not be regarded as anything more than a "random circumstance" that should not by itself

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19/ Id. at 22.

20/ See generally, Fairman, History of the Supreme Court of the United States, Reconstruction and Reunion, 1864-88, 736-37 (1971).

form a basis for disqualification. See Laird v. Tatum, 409 U.S. 824, 836 (1972)(memorandum of Rehnquist, J.).

In his in-chambers memorandum, Justice Rehnquist specifically distinguished prior comment in the course of nomination to the bench:

> In terms of propriety, rather than disqualification, I would distinguish quite sharply between a public statement made prior to nomination for the bench, on the one hand, and a public statement made by a nominee to the bench. For the latter to express any but the most general observation about the law would suggest, that, in order to obtain favorable consideration of his nomination, he deliberately was announcing in advance, without benefit of judicial oaths, briefs, or argument, how he would decide a particular question that might come before him as a judge.

Id. at n.5.

In the end, this distinction appears to lie at the bottom of the Senators' frustration with Justice O'Connor's refusal to comment on certain constitutional issues. Their statement asserts that her judicial record and published work on constitutional questions is "limited" and that "[m]any of the questions asked the nominee to provide the same degree of illumination on her constitutional views as has been available on the constitutional views of previous nominees who have had more experience with these issues." Not even the Justices who have declined to comment have denied the relevance of their views on constitutional issues. 21/ Justice Harlan recognized the Senate's problem but observed that his record was well known and advised that the Senators should vote on the basis of what they knew about him. 22/ As noted above, Justice Rehnquist also recognized the Senate's dilemma, and yet, as noted above, he too declined at times to respond. The absence of prior expressions of opinion by Justice O'Connor, either as a state court judge or otherwise, undoubtedly accentuates the tension between the Senators and the nominee, but it does not expand the appropriate scope of the nominee's comments during the course of the confirmation hearing.

21/ Similarly, Senator Chandler, who is reported to have opposed extracting any pledge from Justice Bradley, was pleased by the account of the Justice's "strong Republican character." See Fairman, supra note 20, at 737.

22/ Harlan Hearings, supra note 6, at 139.

In sum, historical practice demonstrates that nominees have frequently been required to draw the difficult line between questions regarding their general judicial philosophy and political views and questions that might be viewed as attempts to obtain commitments or predictors as to future decisions. Although the precise place at which the line is drawn is often a highly personal decision, Justice O'Connor's judgment was well within the mainstream of the efforts of prior Supreme Court nominees, which have been often recognized and respected by Members of the Senate.

THE WHITE HOUSE

Office of the Press Secretary

NOTICE TO THE PRESS

June 17, 1986

The President met with the following individuals concerning today's Supreme Court nominations:

Tuesday, May 27, 1986
Chief Justice Burger, Don Regan, Fred Fielding

Thursday, May 29, 1986
Attorney General Meese, Don Regan, Peter Wallison

Monday, June 9, 1986
Attorney General Meese, Don Regan, Peter Wallison

Thursday, June 12, 1986
Justice Rehnquist, Attorney General Meese, Don Regan, Peter Wallison

Monday, June 16, 1986
Attorney General Meese, Judge Scalia, Don Regan, Peter Wallison

# # #

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release June 17, 1986

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT
AND THE CHIEF JUSTICE OF THE UNITED STATES

June 17, 1986

Dear Mr. Chief Justice:

It is with great regret that I today accept your retirement as Chief Justice of the United States, effective at the conclusion of the Court's current Term. Your service on the Court, extending over 17 years, has set a high standard for your successors, and you leave with the gratitude of the Nation you served so well.

In our discussions over the past year, you have emphasized to me the importance you attach to the work of the Commission on the Bicentennial of the United States Constitution, of which you serve as Chairman. I respect your desire to retire from the Court in order to devote your full energies to the important objectives of the Commission. But I must express regret that your extraordinary gifts will no longer be employed on our highest Court.

Your career exemplifies the highest traditions of this great Nation, having served your country in the Department of Justice, as a Judge of a United States Court of Appeals, and as Chief Justice of the United States. I can only wish you good luck and Godspeed in the important endeavor on which you are now embarked.

With warmest wishes,

Sincerely,

/s/ Ronald Reagan

The Honorable Warren E. Burger
The Chief Justice
of the United States
Washington, D.C.

* * * *

MORE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release June 17, 1986

The President today announced his intention to nominate Judge Antonin Scalia to be Associate Justice of the United States Supreme Court. He would succeed Associate Justice William H. Rehnquist upon Justice Rehnquist's confirmation as the next Chief Justice. Judge Scalia has been sitting on the U.S. Court of Appeals for the District of Columbia Circuit since 1982, when he was named to that Court by President Reagan.

Prior to his appointment to the Court of Appeals, Judge Scalia was a law professor at the University of Chicago. He has also taught at Stanford, Georgetown and the University of Virginia Law Schools. He was a Resident Scholar at the American Enterprise Institute in 1977. From 1974-1977, Judge Scalia served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel. Judge Scalia practiced law at Jones, Day, Reavis & Pogue, Cleveland, Ohio between 1960 and 1967, was General Counsel of the Office of Telecommunications Policy from 1971 to 1972, and between 1972 and 1974 served as chairman of the Administrative Conference of the United States.

Judge Scalia was graduated from Harvard Law School in 1960 where he was Note Editor of the Harvard Law Review. He received his B.A., summa cum laude, from Georgetown University in 1957, graduating valedictorian and first in his class. During 1960-1961, he held a Sheldon Fellowship awarded by Harvard University.

Judge Scalia is married to the former Maureen McCarthy, and they have nine children. Judge Scalia, whose father emigrated to the United States, was born on March 11, 1936 in Trenton, New Jersey.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release June 17, 1986

The President today announced his intention to nominate Associate Justice William H. Rehnquist to be the next Chief Justice of the United States. He would succeed Chief Justice Warren E. Burger. Justice Rehnquist was named to the United States Supreme Court in 1971 by President Nixon.

Prior to joining the Supreme Court, Justice Rehnquist served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel from 1969-1971. He practiced law as a partner with several firms in Phoenix, Arizona from 1953-1969. He was a law clerk to Supreme Court Justice Robert H. Jackson in 1952-1953.

Justice Rehnquist was graduated first in his class from the Stanford Law School in 1952. He received his B.A., with great distinction, from Stanford University, where he was a member of Phi Beta Kappa. He also received M.A. degrees in political science from Stanford in 1948 and from Harvard University in 1949.

Justice Rehnquist is married to the former Natalie Cornell, and they have three children. He was born on October 1, 1924 in Milwaukee, Wisconsin.

# # #

June 17, 1986

My dear Mr. President:

Last year when you asked me to be Chairman of the Commission on the Bicentennial of the United States Constitution, I agreed to undertake at least to try to get the program under way. My old friend John Warner who was similarly "drafted" to chair the 1976 Commission later cautioned me that the chairmanship of such a project was a full time enterprise.

I have discovered that John was right. Between my purely judicial work and my administrative duties, I already had two "full time jobs."

I know we share the view that the story of our great constitutional system must be recalled to the American people -- and indeed told to people everywhere who seek freedom. To tell that story as it should be told is an enormous and challenging task. I fear, however, it is now too late to enlist a new full time Chairman. Accordingly, I have resolved to request that I be relieved as Chief Justice of the United States effective July 10, 1986, or as soon thereafter as my successor is qualified, pursuant to 28 U.S.C. §371(b).

It has been an honor and privilege to hold this great office for seventeen years during a stirring period in the history of the Republic and of the Court. I am grateful that our system is such that this opportunity could come to me. So long as I am able, I expect, as I told the Senate Judiciary Committee on June 6, 1969, to continue to devote every energy to help make our system of justice work better.

Sincerely and respectfully,

The President
The White House
Washington, D.C.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release June 17,1986

STATEMENT BY THE PRESIDENT

On May 27, 1986, Chief Justice Burger advised me that he wanted to devote his full energies in the coming year to the important work of the Commission on the Bicentennial of the Constitution, and for that reason would be retiring as Chief Justice of the Supreme Court as of the end of the Court's current term. Today, I received with regret Chief Justice Burger's letter formally notifying me of his retirement.

Immediately after my conversation with the Chief Justice, I directed my Chief of Staff, together with the Attorney General and the Counsel to the President, to develop recommendations for a successor. I am pleased to announce my intention to nominate William H. Rehnquist, currently an Associate Justice of the Supreme Court, as the new Chief Justice of the United States. Upon Justice Rehnquist's confirmation I intend to nominate Antonin Scalia, currently a Judge of the United States Court of Appeals for the District of Columbia Circuit, as Justice Rehnquist's successor.

In taking this action, I am mindful of the importance of these nominations. The Supreme Court of the United States is the final arbiter of our Constitution and the meaning of our laws. The Chief Justice and the eight Associate Justices of the Court must not only be jurists of the highest competence; they must also be attentive to the rights specifically guaranteed in our Constitution and to the proper role of the courts in our democratic system. In choosing Justice Rehnquist and Judge Scalia, I have not only selected judges who are sensitive to these matters, but through their distinguished backgrounds and achievements reflect my desire to appoint the most qualified individuals to serve in our courts.

Justice Rehnquist has been an Associate Justice of the Supreme Court since 1971, a role in which he has served with great distinction and skill. He is noted for his intellectual power, the lucidity of his opinions, and the respect he enjoys among his colleagues. Judge Scalia has been a Judge of the United States Court of Appeals for the District of Columbia Circuit since 1982. His great personal energy, the force of his intellect, and the

General and the Counsel to the President, to develop recommendations for a successor. I am pleased to announce my intention to nominate William H. Rehnquist, currently an Associate Justice of the Supreme Court, as the new Chief Justice of the United States. Upon Justice Rehnquist's confirmation I intend to nominate Antonin Scalia, currently a Judge of the United States Court of Appeals for the District of Columbia Circuit, as Justice Rehnquist's successor.

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Justice Rehnquist has been an Associate Justice of the Supreme Court since 1971, a role in which he has served with great distinction and skill. He is noted for his intellectual power, the lucidity of his opinions, and the respect he enjoys among his colleagues. Judge Scalia has been a Judge of the United States Court of Appeals for the District of Columbia Circuit since 1982. His great personal energy, the force of his intellect, and the depth of his understanding of our constitutional jurisprudence uniquely qualify him for elevation to our highest Court. I hope the Senate will promptly consider and confirm these gifted interpreters of our laws.

In closing, I want to say a word about Chief Justice Burger. He has led the Supreme Court for 17 years, a

MORE

time of great change and yet a period also of consolidation and stability in the decisions of the Court. Under Chief Justice Burger's guidance, the Court has remained faithful to precedent while it sought out the principles that underlay the Framers' words. He is retiring now in order to devote his full attentions to a momentous occasion in our country's history, the observance in 1987 of the 200th anniversary of the Constitution. This is an endeavor for which all Americans will be grateful, and to which I and the members of the Administration will lend our total support.

I am proud and honored to stand here today with Chief Justice Burger, with Justice Rehnquist and with Judge Scalia, and to discharge my constitutional responsibilities as President of the United States. Thank you and God bless you all.

# # #

Statement by the President

On May 27, 1986, Chief Justice Burger advised me that he wanted to devote his full energies in the coming year to the important work of the Commission on the Bicentennial of the Constitution, and for that reason would be retiring as Chief Justice of the Supreme Court as of the end of the Court's current term. Today, I received with regret Chief Justice Burger's letter formally notifying me of his retirement.

Immediately after my conversation with the Chief Justice, I directed my Chief of Staff, together with the Attorney General and the Counsel to the President, to develop recommendations for a successor. I am pleased to announce my intention to nominate William H. Rehnquist, currently an Associate Justice of the Supreme Court, as the new Chief Justice of the United States. Upon Justice Rehnquist's confirmation I intend to nominate Antonin Scalia, currently a Judge of the United States Court of Appeals for the District of Columbia Circuit, as Justice Rehnquist's successor.

In taking this action, I am mindful of the importance of these nominations. The Supreme Court of the United States is the final arbiter of our Constitution and

the meaning of our laws. The Chief Justice and the eight Associate Justices of the Court must not only be jurists of the highest competence; they must also be attentive to the rights specifically guaranteed in our Constitution and to the proper role of the courts in our democratic system. In choosing Justice Rehnquist and Judge Scalia, I have not only selected judges who are sensitive to these matters, but through their distinguished backgrounds and achievements reflect my desire to appoint the most qualified individuals to serve in our courts.

Justice Rehnquist has been an Associate Justice of the Supreme Court since 1971, a role in which he has served with great distinction and skill. He is noted for his intellectual power, the lucidity of his opinions, and the respect he enjoys among his colleagues. Judge Scalia has been a Judge of the United States Court of Appeals for the District of Columbia Circuit since 1982. His great personal energy, the force of his intellect, and the depth of his understanding of our constitutional jurisprudence uniquely qualify him for elevation to our highest Court. I hope the Senate will promptly consider and confirm these gifted interpreters of our laws.

In closing, I want to say a word about Chief Justice Burger. He has led the Supreme Court for 17 years, a

time of great change and yet a period also of consolidation and stability in the decisions of the Court. Under Chief Justice Burger's guidance, the Court has remained faithful to precedent while it sought out the principles that underlay the Framers' words. He is retiring now in order to devote his full attentions to a momentous occasion in our country's history, the observance in 1987 of the 200th anniversary of the Constitution. This is an endeavor for which all Americans will be grateful, and to which I and the members of the Administration will lend our total support.

I am proud and honored to stand here today with Chief Justice Burger, with Justice Rehnquist and with Judge Scalia, and to discharge my constitutional responsibilities as President of the United States. Thank you and God bless you all.

THE WHITE HOUSE

WASHINGTON

June 17, 1986

Dear Mr. Chief Justice:

It is with great regret that I today accept your retirement as Chief Justice of the United States, effective at the conclusion of the Court's current Term. Your service on the Court, extending over 17 years, has set a high standard for your successors, and you leave with the gratitude of the nation you served so well.

In our discussions over the past year, you have emphasized to me the importance you attach to the work of the Commission on the Bicentennial of the Constitution, of which you serve as Chairman. I respect your desire to resign from the Court in order to devote your full energies to the important objectives of the Commission. But I must express regret that your extraordinary gifts will no longer be employed on our highest Court.

Your career exemplifies the highest traditions of this great nation, having served your country in the Department of Justice, as a Judge of a United States Court of Appeals, and as Chief Justice of the United States. I can only wish you good luck and Godspeed in the important endeavor on which you are now embarked.

With warmest wishes,

Sincerely

THE WHITE HOUSE

WASHINGTON

June 17, 1986

Dear Mr. Chief Justice:

It is with great regret that I today accept your retirement as Chief Justice of the United States, effective at the conclusion of the Court's current Term. Your service on the Court, extending over 17 years, has set a high standard for your successors, and you leave with the gratitude of the nation you served so well.

In our discussions over the past year, you have emphasized to me the importance you attach to the work of the Commission on the Bicentennial of the Constitution, of which you serve as Chairman. I respect your desire to resign from the Court in order to devote your full energies to the important objectives of the Commission. But I must express regret that your extraordinary gifts will no longer be employed on our highest Court.

Your career exemplifies the highest traditions of this great nation, having served your country in the Department of Justice, as a Judge of a United States Court of Appeals, and as Chief Justice of the United States. I can only wish you good luck and Godspeed in the important endeavor on which you are now embarked.

With warmest wishes,

Sincerely

For Release: June 17, 1986

Antonin Scalia

The President today announced his intention to nominate Judge Antonin Scalia to be Associate Justice of the United States Supreme Court. He would succeed Associate Justice William H. Rehnquist upon Justice Rehnquist's confirmation as the next Chief Justice. Judge Scalia has been sitting on the U.S. Court of Appeals for the District of Columbia Circuit since 1982, when he was named to that Court by President Reagan.

Prior to his appointment to the Court of Appeals, Judge Scalia was a law professor at the University of Chicago. He has also taught at Stanford, Georgetown and the University of Virginia Law Schools. He was a Resident Scholar at the American Enterprise Institute in 1977. From 1974-1977, Judge Scalia served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel. Judge Scalia practiced law at Jones, Day, Reavis & Pogue, Cleveland, Ohio between 1960 and 1967, was General Counsel of the Office of Telecommunications Policy from 1971 to 1972, and between 1972 and 1974 served as chairman of the Administrative Conference of the United States.

Judge Scalia was graduated from Harvard Law School in 1960 where he was Note Editor of the Harvard Law Review. He received his B.A., summa cum laude, from Georgetown University in 1957, graduating valedictorian and first in his class. During 1960-1961, he held a Sheldon Fellowship awarded by Harvard University.

Judge Scalia is married to the former Maureen McCarthy, and they have nine children. Judge Scalia, whose father emigrated to the United States, was born on March 11, 1936 in Trenton, New Jersey.

For Release: June 17, 1986

Antonin Scalia

The President today announced his intention to nominate Judge Antonin Scalia to be Associate Justice of the United States Supreme Court. He would succeed Associate Justice William H. Rehnquist upon Justice Rehnquist's confirmation as the next Chief Justice. Judge Scalia has been sitting on the U.S. Court of Appeals for the District of Columbia Circuit since 1982, when he was named to that Court by President Reagan.

Prior to his appointment to the Court of Appeals, Judge Scalia was a law professor at the University of Chicago. He has also taught at Stanford, Georgetown and the University of Virginia Law Schools. He was a Resident Scholar at the American Enterprise Institute in 1977. From 1974-1977, Judge Scalia served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel. Judge Scalia practiced law at Jones, Day, Reavis & Pogue, Cleveland, Ohio between 1960 and 1967, was General Counsel of the Office of Telecommunications Policy from 1971 to 1972, and between 1972 and 1974 served as chairman of the Administrative Conference of the United States.

Judge Scalia was graduated from Harvard Law School in 1960 where he was Note Editor of the Harvard Law Review. He received his B.A., summa cum laude, from Georgetown University in 1957, graduating valedictorian and first in his class. During 1960-1961, he held a Sheldon Fellowship awarded by Harvard University.

Judge Scalia is married to the former Maureen McCarthy, and they have nine children. Judge Scalia, whose father emigrated to the United States, was born on March 11, 1936 in Trenton, New Jersey.

For Release: June 17, 1986

William H. Rehnquist

The President today announced his intention to nominate Associate Justice William H. Rehnquist to be the next Chief Justice of the United States. He would succeed Chief Justice Warren E. Burger. Justice Rehnquist was named to the United States Supreme Court in 1971 by President Nixon.

Prior to joining the Supreme Court, Justice Rehnquist served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel from 1969-1971. He practiced law as a partner with several firms in Phoenix, Arizona from 1953-1969. He was a law clerk to Supreme Court Justice Robert H. Jackson in 1952-1953.

Justice Rehnquist was graduated first in his class from the Stanford Law School in 1952. He received his B.A., with great distinction, from Stanford University, where he was a member of Phi Beta Kappa. He also received M.A. degrees in political science from Stanford in 1948 and from Harvard University in 1949.

Justice Rehnquist is married to the former Natalie Cornell, and they have three children. He was born on October 1, 1924 in Milwaukee, Wisconsin.

For Release: June 17, 1986

William H. Rehnquist

The President today announced his intention to nominate Associate Justice William H. Rehnquist to be the next Chief Justice of the United States. He would succeed Chief Justice Warren E. Burger. Justice Rehnquist was named to the United States Supreme Court in 1971 by President Nixon.

Prior to joining the Supreme Court, Justice Rehnquist served in the Department of Justice as Assistant Attorney General for the Office of Legal Counsel from 1969-1971. He practiced law as a partner with several firms in Phoenix, Arizona from 1953-1969. He was a law clerk to Supreme Court Justice Robert H. Jackson in 1952-1953.

Justice Rehnquist was graduated first in his class from the Stanford Law School in 1952. He received his B.A., with great distinction, from Stanford University, where he was a member of Phi Beta Kappa. He also received M.A. degrees in political science from Stanford in 1948 and from Harvard University in 1949.

Justice Rehnquist is married to the former Natalie Cornell, and they have three children. He was born on October 1, 1924 in Milwaukee, Wisconsin.

At the time the President considered nominees to replace retiring Chief Justice Warren Burger in early June 1986, the Counsel to the President and the Justice Department, respectively, prepared summary background materials on their finalists. Those final lists were as follows:

Justice Department	White House Counsel
Robert H. Bork	Robert H. Bork
Patrick E. Higginbotham	Cynthia H. Hall
Anthony M. Kennedy	Patrick E. Higginbotham
Antonin Scalia	Anthony M. Kennedy
J. Clifford Wallace	Antonin Scalia
Ralph K. Winter	J. Clifford Wallace
	Ralph K. Winter, Jr.

In addition to the foregoing, Justice's candidates for Chief Justice included William Rehnquist and Sandra O'Connor; the White House Counsel's list included William Rehnquist.

On June 11, 1986 the list of candidates for Chief Justice had been narrowed to three:

Justice Rehnquist
Judge Scalia
Judge Bork

On June 12, 1986 the President met with Justice Rehnquist and offered him the position of Chief Justice; Justice Rehnquist accepted immediately. On June 16, 1986 the President met with Judge Scalia and offered him the position of Associate Justice; Judge Scalia also accepted immediately.

Both nominations were announced by the President on June 17, 1986. The Senate Judiciary Committee hearings on Justice Rehnquist commenced July 29, 1986; hearings on Judge Scalia commenced August 6, 1986. Both were confirmed by the full Senate on September 17, 1986.

At the time the President considered nominees to replace retiring Chief Justice Warren Burger in early June 1986, the Counsel to the President and the Justice Department, respectively, prepared summary background materials on their finalists. Those final lists were as follows:

Justice Department	White House Counsel
Robert H. Bork	Robert H. Bork
Patrick E. Higginbotham	Cynthia H. Hall
Anthony M. Kennedy	Patrick E. Higginbotham
Antonin Scalia	Anthony M. Kennedy
J. Clifford Wallace	~~Antonin Scalia~~
Ralph K. Winter	J. Clifford Wallace
	Ralph K. Winter, Jr.

In addition to the foregoing, Justice's candidates for Chief Justice included William Rehnquist and Sandra O'Connor; the White House Counsel's list included William Rehnquist.

On June 11, 1986 the list of candidates for Chief Justice had been narrowed to three:

Justice Rehnquist
Judge Scalia
Judge Bork

On June 12, 1986 the President met with Justice Rehnquist and offered him the position of Chief Justice; Justice Rehnquist accepted immediately. On June 16, 1986 the President met with Judge Scalia and offered him the position of Associate Justice; Judge Scalia also accepted immediately.

Both nominations were announced by the President on June 17, 1986. The Senate Judiciary Committee hearings on Justice Rehnquist commenced July 29, 1986; hearings on Judge Scalia commenced August 6, 1986. Both were confirmed by the full Senate on September 17, 1986.

U.S. Department of Justice
Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

July 29, 1986

The Honorable Peter J. Wallison
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D. C. 20500

Dear Peter:

Attached please find Judge Scalia's financial disclosure forms and submission to the Senate Judiciary Committee. John Bolton tells me that you are interested in copies of these. Please let me know if you require any further assistance (633-4238).

Sincerely,

Lee S. Liberman
Associate Deputy Attorney General

Enclosures

cc: John Bolton
(w/o enclosures)

AO Form Rev. 12/85 10

FINANCIAL DISCLOSURE REPORT

ANNUAL REPORT DUE BY MAY 15 FROM JUDICIAL OFFICERS AND CERTAIN JUDICIAL EMPLOYEES PER 28 USCA App. 1 §301 et seq.

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)	COURT OR ORGANIZATION	REPORT DUE DATE
SCALIA, Antonin	U.S. Court of Appeals District of Columbia Circuit	5/15/86
TITLE: Judge	IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY	If Report is for Period other than Calendar Yr., Give Period Below:
HOME OR OFFICE ADDRESS: 3806 U.S. Courthouse, Washington, D.C. 20001		

IMPORTANT NOTE: *Please read the instructions accompanying this form. The report is designed for and should include information pertaining to your spouse and dependent children, if any. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Compare and reconcile this year's report with last year's. Type or print clearly. Sign this form on the reverse side.*

RECEIVED
MAY 15 1986
JUDICIAL ETHICS COMMITTEE
John H. PRATT
CHAIRMAN

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☐ SEE ATTACHMENT		

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions.*	II. Income (in excess of $100) *See Page 11 of Instructions.* Type of Income	Income in thousands of dollars (check appropriate block) up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+	III. Value *See Page 11 of Instructions.* Valuation Method Use Alphabetical Code	Value in thousands of dollars (check appropriate block) 1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐															
Chase Bank of Maryland (formerly Friendship S. & L. Money Market Account	Int.			X					C			X			
Chas. Schwab & Co., IRA Money Market Account	Int.	X							C		X				
Teachers Insurance Annuity Association-College Retirement Equities Fund	None								C					X	
American Security Bank - Checking and Money Market Account	Int.	X							C			X			

PLEASE CHECK THIS BOX IF APPLICABLE:

☒ Differences between investments reported last year and those reported this year, which are not explained in Part VII (Transactions) of this report, reflect changes in investments that the Act exempts from disclosure.

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III) (Cont.)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions.*	**II. Income** *(in excess of $100)* *See Page 11 of Instructions.*								**III. Value** *See Page 11 of Instructions*						
	Type of Income	Income in thousands of dollars (check appropriate block)							Valuation Method	Value in thousands of dollars (check appropriate block)					
		up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100 +	Use Alphabetical Code	1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+

PLEASE CHECK THIS BOX IF APPLICABLE:

☐ Differences between investments reported last year and those reported this year, which are not explained in Part VII (Transactions) of this report, reflect changes in investments that the Act exempts from disclosure.

FINANCIAL DISCLOSURE REPORT (Cont.)

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)

IV. GIFTS *None* ☒

A. Gifts of transportation, lodging, food, or entertainment. *See Page 13 of Instructions.*

SOURCE	DESCRIPTION

B. Other Gifts *See Page 14 of Instructions.*

		VALUE

V. REIMBURSEMENTS *See Page 14 of Instructions.*

SOURCE	DESCRIPTION
None ☐ SEE ATTACHMENT	

VI. LIABILITIES *See Page 14 of Instructions.*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars				
	10+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐					
Northwest Mutual Life Ins. Co.		X			

VII. TRANSACTIONS

See Page 15 of Instructions.

DESCRIPTION *(include identity of Other Party where applicable)*	DATE	SALE	PURCHASE	EXCHANGE	Value of Transactions in thousands of dollars *(check appropriate block)*						Capital Gains in thousands of dollars *(check appropriate block)*							
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+	*None*	up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+
None ☒																		

VIII. POSITIONS *See Page 16 of Instructions.*

	POSITION	NAME OF ORGANIZATION
None ☐	SEE ATTACHMENT	

IX. AGREEMENTS *See Page 17 of Instructions*

	DATES	PARTIES	TERMS
None ☒			

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Option No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or minor child or children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

SIGNATURE _____ DATE May 15, 1986

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001).

MAILING THIS FORM

Judicial Officers and Employees mail original and two copies of this form to:

Judicial Ethics Committee
Room 3411, U.S. Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

. . . Deliver one copy to the Clerk of the Court on which you sit or serve.

Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

I. NON-INVESTMENT INCOME

University of Virginia	Compensation for Teaching	$12,000
Tulane University	Compensation for Teaching	3,750
Federalist Society 3/6 & 11/21	Honorarium	2,800
Cato Institute 2/26	Honorarium	500
Brookings Institution 3/14	Honorarium	200
Catholic U. Federalist Society 11/13	Honorarium	250

V. REIMBURSEMENTS

Federalist Society	Travel and lodging expenses for lectures
Columbia University	Transportation and lodging expenses in connection with conference
University of California	Transportation and expenses in connection with symposium
Case Western Reserve Law School	Transportation and expenses for moot court
Los Angeles County Bar Ass'n	Transportation for moot court
Tulane University Law School	Living expenses during teaching

VIII. POSITIONS

Visiting Professor	University of Virginia School of Law
Member, Advisory Council, Letal Policy Studies; Member, Constitution Advisory Panel	American Enterprise Institute
Member, Advisory Board	Journal of Law & Politics, University of Virginia School of Law
Executor	Estate of S. Eugene Scalia

10

FINANCIAL DISCLOSURE REPORT

ANNUAL REPORT DUE BY MAY 15 FROM JUDICIAL OFFICERS AND CERTAIN JUDICIAL EMPLOYEES PER 5 USCA App. 4 §101 et seq.

NAME (LAST, FIRST, MIDDLE INITIAL)
SCALIA, Antonin

COURT
U.S. Court of Appeals
D.C. Circuit

REPORT FOR CALENDAR YEAR
5/15/85

TITLE
Judge

IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY

If Report is for Period other than Calendar Year, Give Period Below

HOME OR OFFICE ADDRESS
3806 U.S. Courthouse
Washington, D.C. 20001

IMPORTANT NOTE: *Please read the instructions accompanying this form. The report is designed for and should include information pertaining to your spouse and dependent children, if any. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Compare and reconcile this year's report with last year's. Type or print clearly. Sign this form on the reverse side.*

REPORT RECEIVED
MAY 15 1985
JUDICIAL ETHICS COMMITTEE
EDWARD ALLEN TAMM
CHAIRMAN

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☐ SEE ATTACHMENT		

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions*	II. Income (in excess of $100) *See Page 11 of Instructions*								III. Value *See Page 11 of Instructions.*						
	Type of Income	Income in thousands of dollars (check appropriate block)							Valuation Method Use Alphabetical Code	Value in thousands of dollars (check appropriate block)					
		up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100 +		1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐															
Friendship S. & L. Money Market Account	Int.				X				C				X		
Chas. Schwab & Co., IRA Money Market Account	Int.	X							C		X				
Teachers Insurance Annuity Assoc.- College Retirement Equities Fund	None								C					X	
American Security Bank - Checking & Money Market Account	Int.	X							C		X				

PLEASE CHECK THIS BOX IF APPLICABLE:

☒ Differences between investments reported last year and those reported this year, which are not explained in Part VII (Transactions) of this [illegible] investments that the Act exempts from disclosure.

ANCIAL DISCLOSURE REPORT (Cont.)

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)

IV. GIFTS [illegible] X

[illegible] See Page 13 of Instructions.

SOURCE

DESCRIPTION

B Other Gifts *See Page 14 of Instructions.*

VALUE

V. REIMBURSEMENTS *See Page 14 of Instructions.*

SOURCE

DESCRIPTION

None ☐ SEE ATTACHMENT

VI. LIABILITIES *See Page 14 of Instructions.*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars				
	10+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐					
Northwest Mutual Life Ins. Co.		X			

VII. TRANSACTIONS

See Page 15 of Instructions.

DESCRIPTION *(include identity of Other Party where applicable)*	DATE	SALE	PURCHASE	EXCHANGE	Value of Transactions in thousands of dollars *(check appropriate block)*						Capital Gains in thousands of dollars *(check appropriate block)*							
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+	None	up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+
None ☒																		

VIII. POSITIONS *See Page 16 of Instructions.*

POSITION	NAME OF ORGANIZATION
None ☐ SEE ATTACHMENT	

IX. AGREEMENTS *See Page 17 of Instructions*

DATES	PARTIES	TERMS
None ☒		

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Option No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or minor child or children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

SIGNATURE Edward A. Tamm DATE 5/15/85

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001).

MAILING THIS FORM

Judicial Officers and Employees mail original and one copy of this form to:

Judge Edward A. Tamm
Judicial Ethics Committee
United States Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

. . . Deliver one copy to the Clerk of the Court on which you sit or serve.

Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

I. NON-INVESTMENT INCOME

University of Virginia	Compensation for Teaching	$ 12,000
University of Dayton 5/20	Honorarium	1,000
University of Illinois 4/2	Honorarium	750
U.C.L.A. 11/30	Honorarium	2,000
Boston College 5/30	Honorarium	2,000
Federalist Society, 4/3, 4/25	Honorarium	1,334
George Washington U. 3/7	Honorarium	500
Cato Institute 11/7	Honorarium	500
Endowment for Research in Human Biology, Inc. 6/13-23	Spouse's expenses at Conference	1,020

V. REIMBURSEMENTS

American Bar Association	Travel and lodging expenses for meetings of Special Commission on Association Governance
Federalist Society	Travel and lodging expenses for talk
University of Illinois	Travel and lodging expenses for moot court
Cornell University	Travel and lodging expenses for moot court
Boston College	Travel and lodging expenses for talk
Harvard University	Travel and lodging expenses for conference
University of Dayton	Travel and lodging expenses for talk

VIII. POSITIONS

Visiting Professor	University of Virginia School of Law
Member, Advisory Council, Legal Policy Studies; Member, Constitution Advisory Panel	American Enterprise Institute
Member, Advisory Board	Journal of Law & Politics, University of Virginia School of Law

AO FORM 10 Rev. 9/83

FINANCIAL DISCLOSURE REPORT

ANNUAL REPORT DUE BY MAY 15 FROM JUDICIAL OFFICERS AND CERTAIN JUDICIAL EMPLOYEES PER 28 USCA App. 1 §301 et seq

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL): SCALIA, Antonin

COURT OR ORGANIZATION: U.S. Court of Appeals for District of Columbia Cir.

REPORT DUE DATE: 5/15/84

TITLE: Judge

IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY:

If Report is for Period other than Calendar Yr., Give Period Below:

HOME OR OFFICE ADDRESS
United States Courthouse, Room 3806
Washington, D.C. 20001

IMPORTANT NOTE: *Please read the instructions accompanying this form. The report is designed for and should include information pertaining to your spouse and dependent children, if any. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Please type or print clearly. Sign this form on the reverse side.*

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☐ University of Virginia	Compensation for Teaching	12,000
Nat'l Academy of Public Administration 4/29/83	Honorarium	500
Suffolk University 3/16/83	Honorarium	2,000
William Mitchell College of Law 1/27/83	Honorarium	2,000

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS (See Page 8 of Instructions.)	II. Income (in excess of $100) See Page 11 of Instructions: Type of Income	Income in thousands of dollars (check appropriate block): up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+	III. Value See Page 11 of Instructions: Valuation Method Use Alphabetical Code	Value in thousands of dollars (check appropriate block): 1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐															
Former Residence, 5725 S. Woodlawn Ave., Chicago (SOLD)	Rent		X												
Friendship S&L, Money Market Acct	Int				X				C				X		
Chas. Schwab & Co., IRA Money Market Acct	Int	X							C	X					
Teachers Insurance Annuity Assoc.-College Retirement Equities Fund									C					X	
American Security Bank - Checking & Money Market Acct	Int								C	X					

REPORT RECEIVED
MAY - 9 1984
JUDICIAL ETHICS COMMITTEE
EDWARD ALLEN TAMM
CHAIRMAN

PLEASE CHECK THIS BOX IF APPLICABLE:

☒ Differences between investments reported last year and those reported this year, which are not explained in Part VII (Transactions) of this

FINANCIAL DISCLOSURE REPORT (Cont.)

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)

IV. GIFTS None ☒

A. Gifts of transportation, lodging, food, entertainment. *See Page 13 of Instructions*

SOURCE	DESCRIPTION

B. Other Gifts *See Page 14 of Instructions.*

		VALUE

V. REIMBURSEMENTS *See Page 14 of Instructions.*

SOURCE	DESCRIPTION
None ☐ American Bar Association	Travel and lodging expenses for meetings of Special Comn on Association Governance
Suffolk University Law School	Travel & Lodging expenses for talk
William Mitchell College of Law	Travel & Lodging expenses for talk
Yale Law School	Travel expenses for Moot Court

VI. LIABILITIES *See Page 14 of Instructions.*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars				
	10+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐ Northwest Mutual Life Ins. Co.		X			

VII. TRANSACTIONS

See Page 15 of Instructions.

DESCRIPTION *(include identity of Other Party where applicable)*	DATE	SALE	PURCHASE	EXCHANGE	Value of Transactions in thousands of dollars *(check appropriate block)*						Capital Gains in thousands of dollars *(check appropriate block)*							
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+	None	up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100 +
None ☒																		

VIII POSITIONS *See Page 16 of Instructions.*

POSITION	NAME OF ORGANIZATION
None ☐ SEE ATTACHMENT	

IX. AGREEMENTS *See Page 17 of Instructions*

DATES	PARTIES	TERMS
None ☒		

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Option No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not participate as a judicial officer or judicial employee in any litigation during the period covered by this report in which I, my spouse, or minor child or children had a financial interest in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

SIGNATURE  DATE 5/8/84

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001).

MAILING THIS FORM

Judicial Officers and Employees mail original and one copy of this form to:

Judge Edward A. Tamm
Judicial Ethics Committee
United States Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

. . . Deliver one copy to the Clerk of the Court on which you sit or serve.
Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

VIII. POSITIONS

Position	Organization
Adjunct Professor	University of Virginia School of Law
Member, Advisory Council, Legal Policy Studies; Member, Constitution Advisory Panel	American Enterprise Inst.
Member	Council on the Role of the Courts, c/o National Judicial Center
Member	Consortium for the Study of Intelligence, Georgetown University
Member, Advisory Board	Journal of Law & Politics, University of Virginia School of Law
Member	American Bar Association Special Commission on Association Governance

United States Court of Appeals
District of Columbia Circuit
Washington, D.C. 20001

Antonin Scalia
United States Circuit Judge

August 11, 1983

Honorable Edward Allen Tamm
Chairman, Judicial Ethics Committee
Judicial Conference of the United States
United States Courthouse
Washington, D.C. 20001

Dear Judge Tamm:

Thank you for your letter of July 28 regarding my Financial Disclosure Report for the period ending December 31, 1982.

Income from the College Retirement Equities Fund is not allocated to individuals. I should have inserted the affirmative declaration "None" in Schedule II under the topic "type of income" with respect to that item. By copy of this letter filed with the Clerk of the Court I am amending the Report accordingly.

I regret the inconvenience that my omission has caused you and your Committee.

Sincerely,

Antonin Scalia

JC Form 10
Rev. 12/82

FINANCIAL DISCLOSURE REPORT

ANNUAL REPORT DUE BY MAY 15 FROM JUDICIAL OFFICERS AND CERTAIN JUDICIAL EMPLOYEES PER 28 USCA App. 1 §301 et seq

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)	COURT OR ORGANIZATION	REPORT DUE DATE
SCALIA, Antonin	U.S. Court of Appeals for District of Columbia Cir.	5/16/82
TITLE: Judge	IF YOU ASSUMED OFFICE DURING THE PAST YEAR, STATE THE DATE OF ENTRY ON DUTY: 8/17/83	If Report is for Period other than Calendar Yr., Give Period Below:

HOME OR OFFICE ADDRESS
Room 3806 U.S. Courthouse
Washington, D.C. 20001

IMPORTANT NOTE: *Please read the instructions accompanying this form. The report is designed for and should include information pertaining to your spouse and dependent children, if any. Attach additional sheets if needed, identifying each attachment by showing your name and the section being continued. Complete all parts. Check the NONE box when you have no information to report. Please type or print clearly. Sign this form on the reverse side.*

I. NON-INVESTMENT INCOME *See Page 7 of instructions.*

SOURCE (and, for Honoraria only, DATE RECEIVED)	TYPE	AMOUNT (yours, not spouse's)
None ☐ SEE ATTACHMENT		

II. & III. INVESTMENTS AND TRUSTS: INCOME (II) and VALUE (III)

DESCRIPTION OF ASSETS INCLUDING TRUST ASSETS *See Page 8 of Instructions.*	II. Income (in excess of $100) *See Page 11 of Instructions.* Type of Income	Income in thousands of dollars (check appropriate block)							III. Value *See Page 11 of Instructions.* Valuation Method Use Alphabetical Code	Value in thousands of dollars (check appropriate block)					
		up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+		1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐															
Wells Fargo Bank, Stanford, CA	Int.		X						C			X			
First Nat'l Bank of Chicago	Int.		X						C			X			
Teachers Insurance Annuity Assoc.-College Retirement Equities Fund									C					X	

FINANCIAL DISCLOSURE REPORT (Cont.)

PERSON REPORTING (LAST NAME, FIRST, MIDDLE INITIAL)

SCALIA, Antonin

V GIFTS None ☒

A. Gifts of transportation, lodging, food or entertainment. *See Page 13 of Instructions.*

SOURCE	DESCRIPTION

B. Other Gifts *See Page 14 of Instructions.*

		VALUE

V. REIMBURSEMENTS *See Page 14 of Instructions.*

SOURCE	DESCRIPTION
None ☐ SEE ATTACHMENT	

VI. LIABILITIES *See Page 14 of Instructions.*

DESCRIPTION *(include identity of Payee or Creditor)*	Amount in thousands of dollars				
	10+ to 15	15+ to 50	50+ to 100	100+ to 250	250+
None ☐					
Northwest Mutual Life Insurance Co.		X			

VII. TRANSACTIONS

See Page 15 of Instructions.

DESCRIPTION *(include identity of Other Party where applicable)*	DATE	SALE	PURCHASE	EXCHANGE	Value of Transactions in thousands of dollars *(check appropriate block)*						Capital Gains in thousands of dollars *(check appropriate block)*							
					1+ to 5	5+ to 15	15+ to 50	50+ to 100	100+ to 250	250+	None	up to 1	1+ to 2.5	2.5+ to 5	5+ to 15	15+ to 50	50+ to 100	100+
None ☒																		

VIII. POSITIONS *See Page 16 of Instructions*

POSITION	NAME OF ORGANIZATION
None ☐ SEE ATTACHMENT	

IX. AGREEMENTS *See Page 17 of Instructions*

DATES	PARTIES	TERMS
None ☒		

In accordance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not participate in any litigation during the period covered by this report in which I, my spouse, or dependent child or children had a financial interest in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

SIGNATURE Clarence Clarence DATE 5/16/83

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions (28 U.S.C.A. App. 1, § 304 and 18 U.S.C. § 1001).

MAILING THIS FORM

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Washington, D.C. 20001

. . . Deliver one copy to the Clerk of the Court on which you sit or serve.

Judicial Employees not associated with a specific court, such as employees of the Administrative Office and the Federal Judicial Center need not file a copy with any Clerk.

I. NON-INVESTMENT INCOME

A. Attributable to activities prior to becoming judge:

Source	Type	Amount
University of Chicago 1111 East 60th Street Chicago, Illinois 60637	Salary	$32,972
United States Senate Washington, D.C. 20510	Salary as Consultant	1,264
American Bar Association 1155 East 60th Street Chicago, Illinois 60637	Consulting Fees	4,500
American Enterprise Institute 1150 17th Street, N.W. Washington, D.C. 20036	Editing and Consulting Fees	15,000
The National Tax- Limitation Committee 1523 L Street, N.W. Washington, D.C. 20005	Consulting Fees	2,500
Indonesian-U.S. Business Committee of the Indonesian Chamber of Commerce and Industry Jakarta, Indonesia	Consulting and Legal Services	10,454
Baker & McKenzie 2800 Prudential Plaza Chicago, Illinois 60601	Legal Consulting re Dresser Industries	5,360
Sidley & Austin 1 First National Plaza Chicago, Illinois 60603	Consulting re A T & T Co.	25,800
University of Illinois Urbana, Illinois	Honorarium 2/12/82	500
University of Virginia Charlottesville, Virginia	Honorarium 3/3/82	250
Harvard University Cambridge, Massachusetts	Honorarium 3/15/82	250
Sears, Roebuck & Co. Sears Tower Chicago, Illinois	Honorarium 5/20/82	1,500

B. Attributable to activities subsequent to becoming judge:

Source	Type	Amount
Lehigh University Bethlehem, Pennsylvania	Honorarium 9/13/82	1,800
Yale University New Haven, Connecticut	Honorarium 12/3/82	500
The Brookings Institution 1775 Massachusetts Ave., NW Washington, D.C. 20036	Honorarium 12/30/82	500

V. REIMBURSEMENTS

For expenses incurred prior to becoming judge:

Source	Description
Sears Roebuck & Co.	Travel ("T") and Food ("F") expenses for speech in Memphis, Tennessee 5/17/82
American Bar Association ("ABA")	T, F & Lodging ("L") expenses for meeting of Standing Committee on Law and National Security 1/29/82
ABA	T, F & L for Washington, D.C. Seminar sponsored by Section of Administrative Law
Center for Law and National Security, University of Virginia Law School	T, F & L for First Amendment Seminar, St. Thomas, 1/8-11/82
University of Chicago School of Law	T & F for AALS meeting in Philadelphia 1/8/82
ABA	T, F & L for meeting of Section of Administrative Law, Puerto Vallarta 1/15-18/82
Washington & Lee University Law School	T & F for visit to Lexington 11/17-19/81 and for visit with spouse 2/11-13/82

For expenses incurred subsequent to becoming judge:

NONE IN REPORTABLE AMOUNT

VIII. POSITIONS

Positions held during 1982 but terminated before becoming judge

Position	Organization
Professor	University of Chicago School of Law
Chairman, Section of Administrative Law; Consultant	American Bar Assoc.
Editor, Regulation; Adjunct Scholar	American Enterprise Inst.
Member, Board of Directors	National Center for Administrative Justice
Member, Board of Directors	Institute for Educational Affairs
Member, Executive Board	Center for Church-State Studies, De Paul Univ.
Member	Association of American Law Schools

Positions acquired or retained since becoming judge

Position	Organization
Adjunct Professor	University of Virginia School of Law
Chairman, Conference of Section Chairmen	American Bar Assoc.
Member, Advisory Council, Legal Policy Studies; Member, Constitution Advisory Panel	American Enterprise Inst.
Member	Council on the Role of the Courts, c/o National Judicial Center
Member	Consortium for the Study of Intelligence, Georgetown University
Member, Advisory Board	Journal of Law & Politics, University of Virginia Law School