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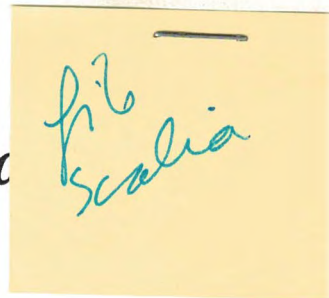
Founded 1905

SUPREME LODGE

Order Sons of Italy in America

219 E STREET, N.E. • WASHINGTON, D.C. 20002

(202) 547-2900



September 26, 1986

Mr. Linas Kojelis
Director of Foreign Affairs - Defense Division
Room # 196
The White House
Washington, D.C. 20500

Dear Linas :

Thank you very much for the invitation to the Rehnquist-Scalia swearing-in ceremony. Our First National Vice-President, Mr. S. Joseph Avara and myself were indeed honored to be allowed the opportunity to join with the national leadership during this occasion.

Again, thank you.

Sincerely,

Salvatore M. Ambrosino
National Associate Director

SMA/akb

9/24



TO: *Linas*
FROM: BRENDA WONG
RE: Attached Staffing Memo

Comments on appropriate issues
due by 5 pm today.
Thanks.

*OK'd
w/B-
file
Scalia*

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"/>	<input checked="" type="checkbox"/>	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:

88 SEP 24 P 3 : 17

RECEIVED OPL-WW

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 15 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

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 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

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.

THE WHITE HOUSE
WASHINGTON

September 23, 1986

MEMORANDUM FOR ANNE HIGGINS

FROM: TOM GIBSON *TG*

SUBJECT: Letter requested by Bruno S. Giuffrida

The National President of the Order of Sons of Italy in America has asked for a letter from President Reagan on America's rich ethnic heritage and the historical significance of the appointment of Judge Scalia to the Supreme Court. I have prepared this draft and would appreciate your returning the President's letter to me for delivery.

Thanks very much.

bc: ✓ Linas Kojelis



DRAFT PRESIDENTIAL LETTER

FOR THE ORDER OF THE SONS OF ITALY IN AMERICA

Dear Mr. Giuffrida:

America is a very special place. It is an island of opportunity set between the oceans to draw men and women from all over the world to live in this land of liberty. Our immigrant ancestors brought with them their cherished values of faith and family and a belief in the dignity of hard work. Even when success and security did not come easily, they persevered with the faith that God would sustain their energy, encourage their effort, and reward their virtue.

I want to share with you one of these American success stories. It is the story of one of our ancestors who happened to be an Italian American. He came here when he was 15 years old and knew not a single word of English. In time, he married Catherine Tomaro and together they created a family. Their son, a single generation later, was unanimously confirmed by the Senate of the United States of America to be a member of the Supreme Court. That 15-year-old immigrant was S. Eugene Scalia and his son is Antonin Scalia.

Justice Scalia is a superb jurist, a first-class intellect, and a warm and persuasive person. As the father of nine he is entitled to be known as a man who holds traditional family values in high esteem. America will prosper by his judgment.

It was an honor for me to appoint Antonin Scalia to the highest court in the land and make him the first Italian American named to the Supreme Court. May God bless him always.

Sincerely,

/s/ RONALD REAGAN

Mr. Bruno S. Giuffrida,
National President,
Order Sons of Italy
in America
219 E Street, N.E.
Washington, D.C. 20002

9/18/86

bcc: Kujala

|

~~son~~

TS: Tom Gibbon

This looks like one for you, and the July 5 radio address, the August 5 K of a speech, and the August 9 radio speech seem to cover the points Ambassador seeks emphasis on.

Chuck Dawson

THE WHITE HOUSE

WASHINGTON

September 16, 1986

MEMORANDUM FOR ANNE HIGGINS

FROM: LINAS KOJELIS x6573

SUBJECT: Request for Presidential Letter

Please process the attached request. The issue may be a sensitive one. Let me know if you have any further questions.

Thank you.



Founded 1905

(202) 547-2900

July 29, 1986

Mr. Linas Kojelis
Director of Foreign Affairs/Defense Division
Room # 196
The White House
Washington, D.C. 20500

Dear Linas :

Enclosed is a copy of the letter from Peter Wallison that Michael Cairra mentioned last week at your meeting. It is our belief that should this letter be published as the White House response, many people would be insulted.

While we appreciate the fact that this letter originates from such a high office within the White House staff, it is clear that Mr. Wallison fails to grasp the historical significance of Judge Scalia's appointment within the Italian American community. We hope that others within the White House do not fail to seize this opportunity. If possible we would like a second letter, one that would comment on America's rich ethnic contribution, one that could be carried in our OSIA News and highlight President Reagan's appointment.

We appreciate your attention in this matter.

Sincerely,

Salvatore M. Ambrosino
National Associate Director

SMA/akb

cc/ Louis Acle, Jr., Director of Public Liaison
Michael A. Cairra, National Executive Director

July 9, 1986

Dear Mr. Giuffrida:

Thank you for your recent letter to the President regarding his nomination of Judge Antonin Scalia to be an Associate Justice of the United States Supreme Court.

The President chose Judge Scalia because of his distinguished judicial and academic career and after a careful evaluation and investigation conducted by the Attorney General, the President's Chief of Staff, and myself. The President personally met and interviewed Judge Scalia and is convinced the nominee shares the President's views on many important legal issues.

We appreciate your taking the time to express your thoughts on the nomination of Judge Scalia.

With best wishes,

Sincerely,



Peter J. Wallison
Counsel to the President

Mr. Bruno S. Giuffrida
National President
Order Sons of Italy
in America
219 E Street, N.E.
Washington, D.C. 20002



THE WHITE HOUSE

Office of Media Relations

For Immediate Release

July 8, 1986

On Monday, July 7, 1986, President Reagan met with Judge Antonin Scalia in the Oval Office. The President announced his intention to nominate Judge Scalia to be Associate Justice of the United States Supreme Court on June 17, 1986. Judge Scalia is currently on the U.S. Court of Appeals for the District of Columbia Circuit.

For further information call (202) 456-6623.

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.

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 17, 1986

REMARKS BY THE PRESIDENT,
CHIEF JUSTICE WARREN BURGER,
JUSTICE WILLIAM REHNQUIST AND JUDGE ANTONIN SCALIA

The Briefing Room

2:00 P.M. EDT

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. And immediately after my conversation with the Chief Justice, I directed my Chief of Staff, together with the Attorney General and the Counsel of the President, to develop recommendations for a successor. And 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.

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

MORE

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'm 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 all. God bless you.

Q Mr. President, what impact do you think this will have on the abortion issue -- perhaps the most emotional issue facing the Court?

THE PRESIDENT: It probably won't surprise you when I tell you that I'm not going to take any questions now. Chief Justice Burger is here and available for any questions you might have of him, as I think the others --

Q Are you satisfied that the Judge agrees with you on the abortion issue, though, sir?

THE PRESIDENT: What?

Q Are you satisfied that the Judge agrees with you on the abortion issue?

THE PRESIDENT: I'm not going to answer any questions. If I start answering one, I'll --

Q Mr. President, what was the process which led you to Judge Scalia? Did you know him before? Did people come to you and recommend him? What was the process?

THE PRESIDENT: I'd previously appointed him into his present --

Q Well, what made you think that he was the appropriate -- for this job?

Q Well, surely you must think, sir, that he agrees with you on such issues as abortion, affirmative action, prayer in the schools?

Q -- for this job?

THE PRESIDENT: That's a question, and as you said --

Q Why didn't you appoint Mr. Meese?

THE PRESIDENT: I can't say no questions -- I can't say no answers.

Q Mr. President -- without a question, could you tell us a little bit about the new Justice -- whatever you can?

MR. WALLISON: We'll have a background --

THE PRESIDENT: There will be background material --

Q But, I mean, for the American people, because we --

THE PRESIDENT: -- that will be made available to you.

Q Do you know him personally?

THE PRESIDENT: Yes.

Q Do you want to take questions on another subject? Have you heard from Gorbachev on the summit yet, sir?

THE PRESIDENT: No. I think the subject today is Justice.

Q Well, could we ask Justice Burger? Chief Justice Burger, could you --

Q Did he recommend his successor?

THE PRESIDENT: No. The Justice said that he would not presume to do that. He did discuss with me individuals and -- give me his opinion of them.

Q Well, Mr. Chief Justice, maybe it's appropriate now to ask you to give us your thoughts after -- what -- since 1969 -- 17 years in the Court?

CHIEF JUSTICE BURGER: Seventeen years, yes.

Q Sum up your tenure. What do you think you've done for this Court?

CHIEF JUSTICE BURGER: That'll take me about 17 years and you don't want to spend that much time. (Laughter.)

Q Why are you leaving the Court, sir? Could you explain a little bit why you're leaving the Court?

CHIEF JUSTICE BURGER: For one primary reason -- that the 200th Anniversary of the Constitution got a late start -- the celebration got a late start. It is vastly under-financed and we're going to have the devil's own time of trying to do the kind of a job that ought to be done for this great event.

John Warner, the Chairman of the '76 event, you remember, was drafted from his job as Secretary of the Navy, which he did not want to leave -- and he told me, being an old friend --

he told me when this subject came up last year that the job of Chairman was a full-time job. I already have two full-time jobs, as you know; a job as a Justice of the Court and the other job with all the vast administration problems. And it just isn't feasible to have three full-time jobs.

Q Is it a matter of health, sir? I mean, people don't leave the Court except for matters of health normally.

CHIEF JUSTICE BURGER: Well, you make the diagnosis. Do I look as though I'm falling apart?

Q No. But, sir, is --

Q Well, it's not how you look, it's how you feel. I mean, was it a matter of health, sir?

CHIEF JUSTICE BURGER: Never felt better in my life.

Q Are you pleased with the direction that the Court has taken? How would you assess your tenure in the Court?

CHIEF JUSTICE BURGER: I wouldn't try to assess it. I leave that to other people to do.

Q Do you leave it with satisfaction, sir, that you have accomplished what you set out to?

CHIEF JUSTICE BURGER: Not everything I set out to, no.

Q Could you tell us a little bit about what you're sad not to have finished?

CHIEF JUSTICE BURGER: What I did not finish was an absolute imperative and that's to experiment with this intermediate panel that is now pending before the Congress. It's a five-year experiment, it won't cost any money and that's, perhaps, why it doesn't attract much attention in Washington. It literally will cost nothing except to bring the Judges from wherever they are into Washington.

Q Did you participate in a judgment on the Gramm-Rudman ruling?

CHIEF JUSTICE BURGER: I'm going to answer this other question first.

That bill is pending. It would take about 50 cases a year off of the Supreme Court. And at the present time, if you're doing your homework -- those of you who are regulars on the Court -- you will find that there are 50 to 100 cases denying cert. where one, two or three Justices file a dissent and say this case ought to be taken. There are important cases that ought to be taken that aren't taken. You know, we've gone from Chief Justice Warren's first year with 65 signed opinions and we've been running over 150 for the last four or five years. We've gone from 1400 and some filings back in Earl Warren's day to nearly 5,000 -- nearly 100 a week. The Court's got to have some relief somewhere. I'm astonished that we haven't had some judges fall over with coronary thrombosis or some other illness of exhaustion and overwork.

But, going back specifically, the only health problem that I know I have is the one that I have had since I was 10 years old and that's a polio back from having polio. And, apart from the ordinary mental deterioration that occurs after age 40 -- (laughter)

--

Q Did you approve of the new appointment on the Court?

CHIEF JUSTICE BURGER: I beg your pardon?

Q Do you approve of the appointment of Judge Scalia?

CHIEF JUSTICE BURGER: Well, the Constitution doesn't give the Chief Justice any authority on the subject.

Q But do you have a personal --

CHIEF JUSTICE BURGER: I have known each of these men -- I've known Justice Rehnquist as a colleague for now -- what? Fifteen years?

JUSTICE REHNQUIST: Fifteen years, Chief.

CHIEF JUSTICE BURGER: And I've known Judge Scalia since the time he was an Assistant Attorney General. He's participated in extra judicial activities, like being a member of the American team visiting England to study some of their methods. We are not close friends. I have a high regard for each of them. A high regard.

Q Sir, had you grown weary of being Chief Justice, sir?

CHIEF JUSTICE BURGER: No, I'm not weary of it. No, I would like to have stayed until -- I would like to have stayed until we got some of these -- this remedy that I told you about. But I think --

Q Why aren't you?

CHIEF JUSTICE BURGER: I think the Constitutional celebration is more important. And, after all, there are some other people that can carry on this work. It's just up to the Senate.

Q Can we talk to Judge Scalia and ask --

Q Justice Rehnquist?

Q Can we ask Judge Scalia about his background?

Q Has the court ruled on Gramm-Rudman?

Q -- Gramm-Rudman yet?

CHIEF JUSTICE BURGER: I don't know which question --

Q Mr. Chief Justice --

Q Mr. Chief Justice --

CHIEF JUSTICE BURGER: Have you had the Miranda warning yet? (Laughter.)

Q Mr. Chief Justice, it's suggested that you withheld the ruling on Gramm-Rudman because there was a leak and that out of peak the court withheld the ruling. Can you enlighten us on that?

CHIEF JUSTICE BURGER: I thought that came down last week. Did you all miss it? (Laughter.)

Q Yes.

Q Yes, tell us about it.

Q And are you denying that you've ruled and affirmed the lower court finding of unconstitutionality of Gramm-Rudman?

CHIEF JUSTICE BURGER: Well, don't you go back and read those things we came down a week ago?

Q I missed it.

CHIEF JUSTICE BURGER: You missed it?

Q Justice Rehnquist, could we ask you your thoughts about being nominated for the highest judicial post in this country?

JUSTICE REHNQUIST: Well, I'm deeply gratified by the confidence that the President has shown in me by making the nomination. I'll do my best to deserve that confidence.

Q Mr. Rehnquist, how is your health? I hate to -- one track. But you've had some problems in the past. What --

JUSTICE REHNQUIST: I think I won't answer any further questions of the kind. It might come up before the Senate confirmation committee.

Q But you will have a more conservative court now, won't you?

JUSTICE REHNQUIST: I stand by what I said a moment ago. I'll defer all those answers until the Senate Judiciary Committee meets.

Q Your health will be a matter of questioning then?

Q Judge Scalia, can you share your thoughts with us as a new nominee, as much as you can say about your philosophy?

JUDGE SCALIA: Yes, on the substance of it, I think I'm with Justice Rehnquist. I know a good idea when I hear one. (Laughter.) The --

Q What about your personal thoughts --

JUDGE SCALIA: My personal thoughts are, for somebody who spent his whole professional life in the law, getting nominated to the Supreme Court is the culmination of a dream, of course. And I'm greatly honored that the President would have such confidence in me and hope that the Senate will do so as well. And I'll certainly do whatever I can to live up to it.

Q Did administration officials, sir, question you on your views on Rowe vs. Wade?

JUDGE SCALIA: I think I respond the way Justice Rehnquist does.

Q No, I'm not asking your personal view --

Q Are you a Republican?

Q -- of that subject, sir. I'm wondering whether you were questioned before your selection was made on that subject?

JUDGE SCALIA: If the Senate wants to ask that, they may. But I don't want to get into --

Q Do you expect a prime controversy in the Senate confirmation?

JUDGE SCALIA: I have no idea. I'm not a politician.

Q Judge Rehnquist, an administrative question: How do you feel about television coverage of the Supreme Court -- (laughter.)

JUDGE REHNQUIST: You can call it an administrative question if you want to. But it comes under the same rubric that I indicated a moment ago. I'll defer all questions like that.

Q Mr. --

Q Would you carry on in the same tradition as Chief Justice Burger? Do you consider the mandate to carry on in the same tradition as Chief Justice Burger, or would you make changes?

JUDGE REHNQUIST: Again, I will defer those questions.

Q Mr. Chief Justice, how --

Q Mr. Chief Justice, some people suggest that the Supreme Court has become more sharply divided under your tenure. First of all, do you agree with that, and how would you characterize the general level of comity among the Justices today?

CHIEF JUSTICE BURGER: It has not become more sharply divided. If you go back and read the opinions over 35-40 years, you would find there just isn't any substance to that.

The reason there are nine people up there -- and there are days when I'd like there to be just one -- (laughter) -- the reason you have nine is to have this interchange and interplay. It goes on all the time.

In the 17 years I have been there presiding over the conferences, never once, never once has a voice been raised in any discussions. They are vigorous discussions, as they should be -- always will be, I hope. We have cordial and good relations. We can disagree in a civilized way, and we do.

Q Mr. Chief Justice --

Q Mr. Chief Justice, since you are not going before the Senate, perhaps you can give us your views on whether these new appointments will change the philosophy or direction of the Court in the next few years.

CHIEF JUSTICE BURGER: Well, I could if I thought about it a great deal, but I haven't thought about it, so I would not entertain it.

Q Well, you know Judge Scalia better than anybody else in this room. Give us a little sense, if you would --

CHIEF JUSTICE BURGER: No, I wouldn't say I know Judge Scalia better than anyone else in this room.

Q Better than anyone else on this side of the room.
(Laughter.)

CHIEF JUSTICE BURGER: Then some of you haven't been on the job, doing your homework.

Q We cover the White House.

Q When did you first hear that it was going to be announced?

Q When.

Q Justice Burger --

CHIEF JUSTICE BURGER: I don't know, a day or two ago.

Q And --

Q Could you tell us --

JUDGE REHNQUIST: You can call it an administrative question if you want to. But it comes under the same rubric that I indicated a moment ago. I'll defer all questions like that.

Q Mr. --

Q Would you carry on in the same tradition as Chief Justice Burger? Do you consider the mandate to carry on in the same tradition as Chief Justice Burger, or would you make changes?

JUDGE REHNQUIST: Again, I will defer those questions.

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Q And --

Q Could you tell us --

word of mouth from me before, and if I hadn't shown up with that letter today, you'd have really had a problem. (Laughter.)

Q Chief Justice, what was the reason --

CHIEF JUSTICE BURGER: And by the way, you'll all get copies of that letter if you'd like it.

Q Thank you.

Q Mr. Chief Justice, what was the reason for the timing of the announcement today -- of the change in the Court? The President said you decided on your resignation last month. Why was it all announced today?

CHIEF JUSTICE BURGER: You'll have to ask the President that. I don't know the timing.

Q Chief Justice, if it were not for the Bicentennial would you have retired -- when? I mean, what -- do you have any --

CHIEF JUSTICE BURGER: By my letter, as you will see, fixes -- the effective date is July 10th. We hope to conclude the term before that, but there is always a certain amount of debris -- administrative debris to be cleared up and --

Q But were it not for the Bicentennial, would you have retired -- at what stage --

CHIEF JUSTICE BURGER: No. No. If it were not for the Bicentennial I would not have retired.

Q What was your toughest case? Some people have suggested it was the Nixon tape case. After all, he appointed you to the Court and you joined the unanimous judgment which forced him to turn over those tapes which were his undoing.

CHIEF JUSTICE BURGER: That was not the toughest.

Q What was it?

CHIEF JUSTICE BURGER: I really don't know. I'd have to give you a list of about 25 or 30. In fact, a couple that are coming down very soon, and that one last week that you fellows all missed -- (laughter) --

Q No.

Q Is that a tough one?

Q When are we going to get --

CHIEF JUSTICE BURGER: Beg your pardon?

Q When will we get that Gramm-Rudman opinion?

CHIEF JUSTICE BURGER: Sometime before the 10th of July, I hope.

Q Do you think others on the Court should emulate you?

CHIEF JUSTICE BURGER: In what respect? (Laughter.)

Q Retiring? (Laughter.)

Q Judge Scalia, would you call yourself a tough Judge?

JUDGE SCALIA: I think that's in the category of questions I think --

MORE

Q Can you tell us when you were first approached by the administration? Just give us a sense of the timing -- when you first heard and what the feelings were?

JUDGE SCALIA: I think if the President wants that to be known, I'm sure he'll tell you.

Q Well, why were you picked?

MR. SPEAKES: We do have a person to give you all that information if you relinquish --

Q Well, we'd rather have it from these people themselves.

Q Judge Scalia, could you tell us where you went to school and what your background is?

MR. SPEAKES: We have that in the bins at this very moment.

Q But we'd love to have it on tape.

Q Judge Scalia, you have -- many of the Judges appointed by this administration are said to have been subjected to a rigorous screening process conducted under Attorney General Meese. Were you at all, *Roe vs. Wade* aside, asked any of your positions on various points of law?

JUDGE SCALIA: I have no idea what the screening process was. And again, you'd have to ask the Attorney General --

Q No one spoke to you, sir?

JUDGE SCALIA: I speak to people all the time --

Q But I mean, there was no screening process directly with you?

JUDGE SCALIA: I'd prefer not to answer that.

Q Have you ever met the President of the United States before today?

JUDGE SCALIA: Yes, I had met the President before today.

Q On this subject of your appointment?

Q Judge, can I ask you a question that you can answer? Can you give us the pronunciation of your name? (Laughter.) I've heard it --

JUDGE SCALIA: I'd be happy to do that -- Scalia.

Q First name?

Q Mr. Chief Justice, did you at any point consider telling the President that, you know, you just don't have time to run the Bicentennial -- the Constitution -- that, in fact, you're the Chief Justice of the United States and you'd rather do that?

CHIEF JUSTICE BURGER: Nobody that I know of could do all three of the jobs that I spoke of that I've been trying to do for this last year.

One week, recently, after I had been carrying around a walking flu bug, one of

my staff informed me that I had logged 105 hours that week. Now 80 and 90 I can handle, but I'm getting a little too old for 105.

Q Well, I think what has us all astounded here is the fact that you are the Chief Justice of the United States and you are putting that aside to handle a job that in fact is going to be over in a year.

CHIEF JUSTICE BURGER: No, three years.

Q Well, three years -- whatever. Did you figure perhaps you would let the President take that burden off of you so you could remain as Chief Justice, or were you simply weary of being Chief Justice?

CHIEF JUSTICE BURGER: No, I wasn't weary of being Chief Justice. It's a lot of fun. But I go back to what I said first. We have an inadequate preparation for the Bicentennial of the Constitution. It's a remarkable story -- it's one of the great, great stories in American history and it's our job to tell it, and we're just getting organized. We haven't got a main headquarters yet. We're scattered in three buildings. We've got, for Washington, a piddling appropriation of \$12 million, and ten years ago John Warner had over \$200 million.

If we are going to celebrate this thing in the proper way and have people get an understanding -- in this country and elsewhere -- about what freedom means and that this is the instrument that gave that freedom and how it works, there is a lot of work to be done. I expect to be working literally full time.

Q You said this was the primary reason that you were resigning.

CHIEF JUSTICE BURGER: That's right.

Q What would the secondary reason be, if any?

CHIEF JUSTICE BURGER: I didn't have a secondary reason.

Q Mr. Meese, can you tell us how the court might change with these changes?

ATTORNEY GENERAL MEESE: No.

Q Mr. Justice Rehnquist --

Q Are you disappointed you weren't named?

ATTORNEY GENERAL MEESE: No.

MR. SPEAKES: I think the growing consensus, if we took a vote, would be time to conclude. These gentlemen will be before the Senate and this gentleman will be before the press this afternoon.

Q Larry, just one question of Mr. Justice Rehnquist that perhaps he could answer without violating his duties to the Senate.

You, sir, have had a reputation more as a thinker and writer on the Court than as an administrator. Do you, too, consider it the culmination of a dream to be Chief Justice and thus have to take on all these administrative tasks?

JUDGE REHNQUIST: I wouldn't call it the culmination of a dream, but it's not every day when you're 61 years old that you get a chance to have a new job -- (laughter) -- and you take on some things you don't like along with a lot of things that you do like.

CHIEF JUSTICE BURGER: In that respect there is a perfect

parallel. Bill Rehnquist is the same age I was when I was nominated back in the Garfield administration, I think. (Laughter.)

Q Ronald Reagan was 69 or 70 and he got a new job.

Q Mr. Chief Justice, how have you seen the Court change philosophically during your tenure?

CHIEF JUSTICE BURGER: I think I got just part of that question. Has it changed philosophically?

Q How, sir? How have you seen it change philosophically during your tenure?

CHIEF JUSTICE BURGER: Well, if you look over the history of the Supreme Court of the United States or of the country, you will find at different periods there are different needs and different problems and there are different answers. And then sometimes you find that an answer that you gave two years ago or three or five

doesn't quite fit, and you adjust it. We have been doing some adjusting. That was done in the previous 15 years, but we haven't done a fraction of that adjusting that was done in the 15 years before my tenure began.

Q Do you regret any of your decisions, sir? Any of the opinions you wrote? Would you like to change them --

CHIEF JUSTICE BURGER: I wish some of them were a little shorter. (Laughter.)

Q Just to follow-up on my question.

Q Mr. Chief Justice, you've had a good relationship with the American Bar Association throughout your tenure as Chief Justice. Are you at all concerned that the ABA was not consulted, apparently, about your replacement on the Court?

CHIEF JUSTICE BURGER: I don't know anything about the procedures -- not a thing. I have never understood that the appointments to the Supreme Court automatically were cleared with the American Bar. Sometimes they are consulted, and sometimes they're not.

Q Mr. Chief Justice, if I could follow-up on my question.

MR. SPEAKES: Go ahead.

CHIEF JUSTICE BURGER: -- the last one.

MR. SPEAKES: The Justice has ruled -- Chief Justice has ruled -- last one.

Q You said that there had not been nearly the changes during your tenure as in the preceding 15 years. Does that mean there was less need for change, or it just did not happen?

CHIEF JUSTICE BURGER: I'll leave that to you.

Q Okay.

CHIEF JUSTICE BURGER: Objective observers are a better judge of that than I am.

Q Are you going to hand down Gramm-Rudman tomorrow?

CHIEF JUSTICE BURGER: I thought it was last week.

Q Judge Scalia, can we get the pronunciation of your first name?

JUDGE SCALIA: Antonin is what I've always --

Q Antonin Scalia.

JUDGE SCALIA: That's right.

Q And so forth it shall be.

JUDGE SCALIA: Well, all right. (Laughter.)

Q Does your wife know about this?

MR. SPEAKES: Do you want to file?

Q Yes.

MR. SPEAKES: Okay. At 2:40 p.m., we will have the background briefing. You have the two announcements in the bins, the exchange of letters, and I believe the statement by the President all in there.

THE PRESS: Thank you.