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*The following are excerpted quotes from an interview with Judge Antonin Scalia, taped April 1, 1986 as part of a C-SPAN series entitled "America & The Courts."*

On being a potential candidate for a Supreme Court appointment:

*"Your name being mentioned for a job like that is about that, plus whatever a token on the New York subway now costs, will get you into the New York subway. It's very much a matter of lightning striking. One never knows who's going to be selected for the Supreme Court, if anybody is going to be selected. It's just not a matter that is of immediate enough predictability that it affects me very much....You can dine out on it, it's great for that. But outside of that, I can't imagine what else."*

On the relationship between the Judiciary and the Executive branches:

*"(My) Some years spent in the Executive branch give you a perspective on the relationship between that branch and the Judiciary — a certain sensitivity to... having looked to this court and indeed, in some cases, hung on it's every word (as) to the lawfulness of some of our activities. I'm, perhaps, more sensitive than I might otherwise be of how careful our opinions have to be crafted in order to avoid precluding perfectly legitimate Executive action or causing some action to be allowed which shouldn't be allowed."*

On the role of the courts in the American democratic system:

*"As to what I think the role of the courts is in the whole system, it's a background role. In Supreme Court decisions and decisions of all the courts, you'll find the other branches referred to as the 'political' branches. They are the democratic branches of government. We, the Judiciary, are an eminently undemocratic branch, intentionally undemocratic. Life tenured, selected from a narrow class of people — I don't care where the people began, by the time they've gone through college, three years of law school, and whatever legal practice they've had before coming on the courts, they're not the society at large. That's quite undemocratic; aristocratic, if you will, necessarily. If you believe we have a democratic*

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system, the role of the branch of that government is intended to be a subsidiary, background role to assure, when necessary, the propriety of behavior of the other two (branches), but certainly not to lead the society forward. That's why the framers called it the least dangerous branch. That's not to say it's not an ~~import~~ important role, but I don't think anyone would disagree that it's not meant to be the leader of the society."

On Presidents and their relationships with the Supreme Court:

"I think there's been, in modern times at least, a fairly healthy tradition of the presidents not having much of a relationship with the (Supreme) court, other than the appointing of the justices. Certainly that's the case with this (Supreme) court. I think once you're appointed and go on the court, you belong to another branch of government. I think the reality and the importance of that distinction between the Executive and Legislative branches is kept in mind by both sides."

On advice to aspiring judges:

"I would begin by advising them not to aspire to be a federal judge. It seems to me that something may come and may not come, because it's very much a spin of the wheel. I do not pretend, I think it would be difficult for anyone to pretend that we are here because we are the most qualified in some nationwide competition that has been held. There are lots of fluky factors that go into who comes to the attention of the President and whom he happens to select. I guess (what I) would advise someone is just become the best lawyer you can and if a judgeship comes along, it comes along. But certainly the preparation is to learn the law, learn to love the law and work diligently in that profession."

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Q: "What do you think the average citizen -- if there is such an animal -- thinks of the court system? What do you think they know about them... does it really matter what they think?"

A: "I think the average citizen knows very little about it. I'm not sure that's good or bad. You obviously think it's bad; hence this program. And I guess I more or less agree with you or I wouldn't be on the program. I suppose there's another point of view and that's that familiarity breeds contempt. Perhaps one of the reasons that courts are held in generally high esteem -- I think that's true -- is that they are not thrust into the public consciousness terribly often and one doesn't see that -- lo and behold! -- they're made up of frail human beings like every other governmental institution. Maybe there's some value in preserving that."

Q: On Judges avoiding publicity:

A: "I think there's some reason for the courts staying in the packground. I think they're not meant to be one of the political branches and it's unseemly....I think most judges make an effort to avoid becoming public figures, thrusting themselves into public attention, because it's not really their personalities or their particular viewpoints they're supposed to be promoting."

Q: On experience gained in U.S. Court of Appeals, D.C. Circuit:

A: Numerically -- even more than the Supreme Court -- our decisions establish whether the Executive Branch has behaved properly in doing the various things complain about. Many of the most important executive actions.... (natural gas)... (bumper standards for autos)... the FCC's regulation of cable... all of those matters are initially reviewed in this court, directly. They don't even go through the district court, and the risk of our being reversed by the Supreme Court is relatively small, because the Supreme Court has a lot of other matters on its plate. As a practical matter, we're the last word on these very important areas.

Q: Does outside media have any impact on the way people in the judicial atmosphere think?

A: "One hopes not, but judges are human beings like everyone else. If you read in the paper every day what a terrible job you are doing, I guess you could get to wonder whether you're doing a terrible job. I personally don't feel I'm terribly affected. I think I'm not. I try not to be."

Q: If someone in the press called you after a decision, would you take the call?

A: "Right after a decision, I might not. I've taken calls from reporters, depending on what they want to ask. I mean if they want to ask general questions about the judiciary, I have no reluctance to talk to them...."

Q: "But you wouldn't go on the record, commenting on a case...."

A: "Oh no. I make a practice not to comment on cases pending or for that matter, completed. That's one tough part about being a judge. Very often, you see your opinions ripped apart in the press and part of the code is that judges do not reply. What I have to say about my cases is in my opinions. If someone's serious about seeing the other side of a criticism in the press, they can read my opinions. The opinion's gone, so you go on to the next one."



Q: What do you think about the court's being televised

"Well, some of them already are in the states. You mean the Federal Courts?  
I don't know. You'd be better informed on that than I. I don't know....  
I truly don't know....I hat to be so non-committal."



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SCALIA OPEN TO TELEVISED COVERAGE OF SUPREME COURT PROCEEDINGS

Nominee Submits TV Comments for Record at Thurmond's Request

WASHINGTON/ August 12 -- Supreme Court nominee Antonin Scalia told the Senate Judiciary Committee late last week that he was "inclined to agree" with the notion of cameras in the Supreme Court.

Citing the recent start-up of Senate television and noting that the federal courts are "the only branch of government that the American people cannot see at work," Judiciary Committee Strom Thurmond (R-SC) asked Judge Scalia to submit to the official committee record his views on television coverage of the Court's oral arguments.

In a letter dated August 8, the Senate panel received this response from Judge Scalia: " If confirmed, I would of course want to consult my colleagues on this matter, but would be inclined to agree with Justice Rehnquist."

Judge Scalia added that "As chairman of the Administrative Conference, I recommended the televising of important open agency proceedings..."

During the previous week's confirmation hearings, Justice Rehnquist was asked by Sen. Charles Grassley (R-IA) to state his views on television. Justice Rehnquist told Senator Grassley that ...."if I were convinced that coverage by television of the Supreme Court would not distort the way the court works at present, I would certainly give it sympathetic consideration."

Brian Lamb, Chief Executive Officer of C-SPAN, the cable television network that offers gavel-to-gavel coverage of both the U.S. House and Senate has publicly committed C-SPAN to televising all 150 hours of oral arguments before the Court.

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