

Term paper on us supreme court justice antonin scalia

[Law](#), [Criminal Justice](#)



Antonin Scalia is one of the current Supreme Court Justices. He holds the position of Associate Justice. Justice Scalia has been a part of the Supreme Court since President Ronald Reagan nominated him in 1986. Prior to becoming a Supreme Court Justice, Scalia worked in private practice as an attorney for six years. Additional experience as an attorney includes serving as General Counsel of the Office of Telecommunications and Assistant Attorney General for the Office of Legal Counsel, both during the Nixon administration. In regards to teaching experience, Scalia was a law professor at the University of Virginia and the University of Chicago. Scalia gained judge experience as a member of the Court of Appeals for the District of Columbia Circuit Court.

As for more personal matters, Justice Scalia was born in Trenton, N. J. on March 11, 1936 making Scalia seventy-five years old. Scalia is married to Maureen McCarthy and they have nine children. He earned his Bachelors Degree from Georgetown University and his law degree from Harvard Law School.

In 2010, Scalia earned money from teaching and from book royalties. Scalia earned \$4, 000 from teaching at DePaul University, \$10, 000 from Loyola University, \$8, 000 from University of California Hastings College of Law, and \$2, 500 from the University of Richmond (Oyez). West Services, Inc. paid Scalia almost \$38, 000 in book royalties (Oyez). All Justices are required to file an annual financial disclosure report where various information is recorded such as stock trades and reimbursements from speaking engagements. Surprisingly, one piece of information that the report does not ask for is how much the Justices make each year on the Supreme Court.

When Scalia joined the Supreme Court, he was the youngest justice to serve at that time. His nomination passed unanimously. It is an understatement to say that Scalia is a conservative. Scalia opts for strict interpretation of laws and the Constitution, judicial restraint, and bright-line decisions (Oyez). In regards to the Constitution, Scalia believes the Court should focus on the actual text of the Constitution and its original meaning when interpreting the Constitution. Judges should make their decisions based on the law's or Constitution's original meaning.

Yet, some of Scalia's decisions are surprising. He does vote for free speech. For example, Scalia voted against a Texas prohibition against flag burning (Oyez). Scalia stated that flag burning was a form of expression protected by the Constitution. In addition, he decided that a St. Paul, MN law against hate crimes was a violation of free speech (Oyez).

Scalia is anti-drug and showed this in *Gonzales v. Raich* where he voted on the side of the federal government. He voted in favor of convicting medical users of homegrown marijuana. Yet, in *Kyllo v. United States*, he supported a grower of marijuana who was claiming that his Fourth Amendment Search and Seizure rights were trespassed against when the FBI used a thermal imaging device to search for indoor marijuana growth.

Scalia does show his conservatism at times. Even though Scalia did not become a Supreme Court Justice until after *Roe v. Wade*, he has worked hard to get that decision struck down. Scalia says that listening to precedent can sometimes cause judges to listen "to their own ideological preferences rather than the law" (Young, 2005).

One interesting and little known fact about Scalia is that when President

Gerald Ford did not know what to do with Nixon's tapes and documents, Ford assigned Scalia to determine the ownership of those tapes and documents.

One well-known fact is that Scalia frequently clashes with the more moderate justices on the bench. This is when he writes colorful and entertaining dissents. One example of his more well-known dissents occurs in *Lawrence v. Texas*. Here he is in favor of state anti-sodomy laws.

Another famous dissent by Scalia occurs in *Hamdi v. Rumsfeld* where he is strongly opposed to the way the United States has recently been handling the treatment of terror suspects. He is concerned their due process rights are being violated.

Scalia's Catholic faith does influence his decisions even though he claims that his personal philosophy does not influence his decisions on the bench (Young, 2005). One example is where he wrote a dissent involving a Ten Commandments display at a Kentucky courthouse. The case is *McCreary County v. ACLU*. Here he goes back to a 1971 decision in *Lemon v. Kurtzman* where the court held that as long as the display does not advance or inhibit religion and avoids entanglement of government and religion, the display might stay (Young, 2005). Another example of where Scalia's religious faith comes through in his court decisions is regarding property tax exemptions for churches (Young, 2005).

Since Justice Scalia is seventy-five, the question of how much longer Scalia can be on the bench comes to mind. At this point, his mind is sharp and his wit entertains. The day will come when his mental or physical faculties will fail and he will need to step down. Justice Scalia has worked his entire life. Perhaps he should consider retiring, relaxing, and enjoying life. Scalia has

left an incredible legacy of memorable decisions and memorable quotes in both decisions and dissents. Whether one agrees with Scalia or disagrees with Scalia, one cannot deny his logical reasoning and excellent writing skills. Law students will be studying Scalia's decisions for decades to come.

References

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