

CARL LEVIN
MEMPHIS*United States Senate*

WASHINGTON, D.C. 20510

July 29, 1986

The Honorable Antonin Scalia
 United States Court of Appeals
 District of Columbia Judicial Circuit
 Washington, DC 20001

Dear Judge Scalia:

I would appreciate a response to the following question relative to your nomination to become a Supreme Court Justice.

An article which appeared in the Washington Post on June 22, 1986, discussed your participation in Western Union Telegraph Co. v. FCC, a case that came before the D.C. Court of Appeals in October, 1985. Three years earlier, you had performed consulting services for one of the litigants in this case, AT&T. Therefore, you faced the question of whether your prior connection with AT&T would bring your impartiality into doubt. You eventually decided not to disqualify yourself from hearing this case.

In the Post article, a law clerk speaking for you was quoted as saying that you had checked with Chief Judge Spottswood W. Robinson III "to make sure that three years was an adequate time period." I would like to know whether you did consult with Chief Judge Robinson on the question of disqualifying yourself from Western Union Telegraph Co. v. FCC. If so, what advice did he give you?

Thank you for taking the time to respond to this question. Your response will be helpful to me as the Senate exercises its advise and consent duties with regard to your nomination. I would appreciate your answer by August 5, 1986.

Sincerely,



Carl Levin

cc: The Honorable Strom Thurmond
 The Honorable Joseph Biden

United States Court of Appeals

District of Columbia Circuit
Washington, DC 20001Antonin Scalia
United States Circuit Judge

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July 30, 1986

The Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

As your office requested, I am addressing to you my response to the questions posed by Senator Levin in his letter of July 29.

I consulted Chief Judge Robinson on the question whether three years of disqualification from matters involving AT&T was sufficient to eliminate any appearance of impropriety arising from the fact that I had done consulting work for that company in the past. He advised me that in his view three years was ample.

I will be happy to provide any further information Senator Levin or the Committee might find helpful.

Sincerely,


Antonin Scaliacc: The Honorable Carl Levin
The Honorable Joseph Biden

CARL LEVIN
MICHIGAN

United States Senate
WASHINGTON, D.C. 20510

August 15, 1986

The Honorable Antonin Scalia
United States Court of Appeals for
the District of Columbia
U.S. Courthouse
Third Street and Constitution Avenue, NW
Washington, DC 20001

Dear Judge Scalia:

I would appreciate your written response to the following question I have concerning your nomination process.

Did any employees of the Executive Branch or individuals at the request of employees of the Executive Branch ask you any questions about your position on issues that might come before the Supreme Court? If so, please list the issues mentioned, the persons who mentioned them and your answers.

Thank you for your prompt response to this request.

Sincerely,



Carl Levin

CL/ljp

cc: Senator Thurmond
Senator Biden

United States Court of Appeals**District of Columbia Circuit
Washington, DC 20001****Antonin Scalia
United States Circuit Judge**

August 19, 1986

**The Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Senate Office Building
Washington, D.C. 20510**

Dear Mr. Chairman:

As your office requested, I am addressing to you my response to the question posed by Senator Levin in his letter of August 15.

In connection with my nomination, I have been asked no question by any Executive Branch employee concerning issues that might come before the Supreme Court, nor, to my knowledge, have I been asked any such question by any individual at the request of an Executive Branch employee.

I will be happy to provide any further information Senator Levin or the Committee might find helpful.

Sincerely,


Antonin Scaliacc: ✓
The Honorable Carl Levin
The Honorable Joseph Biden