

STATEMENT

OF

ROBERT B. FISKE, JR.

Mr. Chairman and Members of the Committee:

My name is Robert B. Fiske, Jr. I practice law in New York City, and I am chairman of the American Bar Association's Standing Committee on Federal Judiciary. With me today are two other members of our committee, John D. Lane of Washington, D.C., and Gene W. Lafitte of New Orleans, Louisiana. We appear today to present the views of the American Bar Association on the nomination of the Honorable Antonin Scalia of Washington, D.C., to be an Associate Justice of the Supreme Court of the United States.

At the request of the Attorney General, our committee investigated the professional competence, judicial temperament and integrity of Judge Scalia. Our work included discussions with more than 340 persons, including (a) the Justices of the Supreme Court of the United States and many other federal and state judges across the country; (b) a national cross section of practicing lawyers; and (c) a number of law school deans and faculty members, some of whom are specialists in constitutional law and scholars of the Supreme Court. In addition, we have had Judge Scalia's opinions reviewed by a team comprised of the Dean and law professors from the University of Michigan Law School, by a separate team of practicing lawyers, and by three law students. Finally, two members of our committee interviewed Judge Scalia.

Based on our investigation the committee is unanimously of the opinion that Judge Scalia is entitled to the committee's highest evaluation of a nominee to the Supreme

Court -- "Well Qualified." That evaluation is reserved for those who meet the highest standards of professional competence, judicial temperament and integrity. Persons in this category must be among the best available for appointment to the Supreme Court.

I have filed with this Committee a letter describing the results of our investigation, and shall not repeat those results in detail here. I request that the letter be included in the record of these hearings.

To summarize our findings, Judge Scalia has an outstanding academic record, and has demonstrated strong abilities in his service as a practicing lawyer, a teacher of law, and as an appellate judge. Our investigation has shown him to be extremely intelligent, analytical, thorough, hard-working, and devoted to the legal profession. His writing and analytical skills are widely acclaimed. The diversity of his experience as a practicing lawyer, as a law teacher in four of the outstanding law schools of this country, and as a federal appellate judge provides a valuable background for a justice of the Supreme Court.

Notwithstanding isolated expressions of concern, our investigation revealed that Judge Scalia has an outstanding judicial temperament, and that he is well suited for service on the Supreme Court from that standpoint. He enjoys the respect of his colleagues both on and off the bench for the soundness of his judgment and his congeniality. His integrity is above reproach.

In conclusion, the committee by unanimous vote has found Judge Scalia to be "Well Qualified" to serve as an Associate Justice of the Supreme Court of the United States.