



A SUPREME VISIT

VISITING GW LAW FOR THE FOURTH TIME IN RECENT YEARS, JUSTICE SCALIA KEYNOTES LAW REVIEW SYMPOSIUM *-By Jamie L. Freedman*

United States Supreme Court Justice Antonin Scalia addressed a capacity crowd Nov. 3 at GW's Jack Morton Auditorium for the opening event of the two-day George Washington Law Review Symposium.

An annual highlight of the GW Law calendar, this year's symposium commemorated the 100th anniversary of Max Farrand's great scholarly work *Records of the Federal Convention of 1787*. Justice Scalia's keynote address, "The Methodology of Originalism," set the stage for a series of panel discussions on constitutional interpretation by distinguished scholars from across the nation.

Justice Scalia, who has visited GW Law four times in recent years and is the longest-serving justice, offered a strong defense of originalism—the belief that the U.S. Constitution should be interpreted according to the original meaning of the document's words by the framers.

"My burden is not to show that originalism is perfect, but merely to show that it beats the other alternatives, and that is not difficult," he said. The justice explained that like any other legal text, such as statutes, the Constitution has a static meaning and its application to pre-existing phenomena does not change over time. "History is a rock-hard science compared to moral philosophy," he said.

Appointed to the Supreme Court by President Ronald Reagan in 1986, Justice Scalia has a renowned sense of humor, which was on full display during his address and the ensuing question-and-answer period, eliciting frequent laughter from the audience.

Introducing Justice Scalia, Bradford R. Clark, GW's William Cranch Research Professor of Law, called him "one of the most consequential" Supreme Court justices in history. "He is the leading proponent of textualism and originalism on the Supreme Court, and he's changed the way lawyers, judges, and law professors think about constitutional interpretation and

(Left) Dean Paul Schiff Berman and Professor Bradford R. Clark flank U.S. Supreme Court Justice Antonin Scalia during the justice's recent visit to the Law School.

the law," said Professor Clark, faculty adviser of the *George Washington Law Review*, who served as Justice Scalia's law clerk from 1989 to 1990.

Justice Scalia's remarks were a fitting preamble to the symposium, sponsored by the *George Washington Law Review* and the Institute for Constitutional History. The event's three panel discussions, featuring an array of scholars and prominent jurists, focused on the records and constitutional meaning, the records and the judiciary, and the records and originalism.

In his welcoming remarks, Dean Paul Schiff Berman underscored the Law School's close and long-standing relationship with the Supreme Court, emphasizing that Justice Scalia's visit is one of many such highlights this year.

"At most law schools, today's conference would be the signature event of a five-year period," Dean Berman said. "Yet, here at GW, this is only one among many visits of U.S. Supreme Court justices this year.

"Justice Clarence Thomas has been here at GW every week this semester teaching a seminar with Professor Greg Maggs. In March, we will have four U.S. Supreme Court justices, as well as a number of judges and officials from the European Court of Human Rights, here for a conversation about judicial systems and procedures and their relationship to the protection of rights," he said.

"Finally, we have Justice Elena Kagan coming to GW to judge our Van Vleck moot court competition in February. And that's all just in one year! The opportunities that we have at GW are truly unique and exciting, and it's part of what makes this school truly distinctive."

Prior to the symposium, Justice Scalia visited Professor Clark's advanced constitutional structure class for an informal question-and-answer session. Completely at home in the law school classroom, the justice was a professor at the University of Virginia and the University of Chicago Law Schools earlier in his career. Several years ago, he served as a guest lecturer for Professor Amanda Tyler's statutory interpretation class at GW. Jonathan Bond, JD '08, a member of that class, went on to clerk for the justice in 2009.

"Justice Scalia has always been very generous with his time when it comes to GW," says Professor Clark, who calls the justice a "great mentor" and continues to see him at least once a year. "He loves engaging with students, is intellectually open, and is not afraid to answer the tough questions when it comes to issues of constitutional interpretation.

"Not many law school students have the opportunity to discuss the merits and demerits of competing theories of interpretation with a sitting Supreme Court justice in their classroom," he continues. "It was an invaluable experience for my students, who received intellectually sophisticated, candid answers to a wide variety of questions."

"One of the things law students like most about Justice Scalia is that he is not shy about sharing his views on a range



(Above) John F. Manning, Bruce Bromley Professor of Law at Harvard Law School, moderated a lively Q & A session with Justice Scalia following the keynote speech. (Below) Prior to the symposium, Justice Scalia visited Professor Bradford R. Clark's advanced constitutional structure seminar for an informal question-and-answer session. Several of the justice's former law clerks also visited the class, including Jonathan Bond, JD '08, Professors A.J. Bellia and Bill Kelley of Notre Dame, and Professor John Manning of Harvard.

of subject matter," says Devin Anderson, a member of Professor Clark's class. "He does not try and dodge a question out of fear that he is staking himself to an official position. It meant a lot that Justice Scalia took time out of his busy schedule—the court is sitting, after all—to speak with a small group of students about constitutional structure and his interpretive approach. He didn't vet the questions ahead of time, and we appreciated his candor and thoughtfulness."

"We were so honored that Justice Scalia took the time to visit our class and answer our questions," concurs class member Pamela Kovacs. "I cannot think of a better law school experience than directly engaging in a discussion with a Supreme Court justice concerning the structure of the Constitution. This is one of the many benefits that we enjoy as law students in the nation's capital."

Professor Clark's research assistant Ben Kapnik, who also is a member of the advanced constitutional structure class, says, "It was, of course, a great honor to have the justice join us and so frankly and openly answer our questions. Justice Scalia has touched much of the law that we study, and it was a great privilege to hear him reflect on some of the issues with which we have been wrestling. Justice Scalia's presence—and the presence of several of his very accomplished former clerks—served as a tangible reminder of the justice's impact on the law and legal academy." **GW**