

8-30-2005

Chapman University Holds 'Court' for Scalia

Chapman University Media Relations

Follow this and additional works at: https://digitalcommons.chapman.edu/press_releases



Part of the [Higher Education Commons](#), and the [Higher Education Administration Commons](#)

Recommended Citation

Chapman University Media Relations, "Chapman University Holds 'Court' for Scalia" (2005). *Chapman Press Releases 2003-2011*. 360.

https://digitalcommons.chapman.edu/press_releases/360

This Article is brought to you for free and open access by the Chapman Press at Chapman University Digital Commons. It has been accepted for inclusion in Chapman Press Releases 2003-2011 by an authorized administrator of Chapman University Digital Commons. For more information, please contact laughtin@chapman.edu.



Chapman University Holds Court for Scalia

- Visiting U.S. Supreme Court Justice Says Judges Not Qualified to Determine Societys Morality; Judicial Appointments Mired in Political Scrutiny

ORANGE, Calif., Aug. 30, 2005 In a rare appearance outside the United States Supreme Court, Associate Justice Antonin Scalia used his Aug. 29 visit to Chapman University to clear the air about his positions on two of todays most pressing issues: the judicial nomination process and what he called activist judges.

His visit on the first day of the fall semester was the keynote of the Chapman University School of Laws 10th anniversary and attracted overflow crowds of students, faculty, staff, and community members, including judges, mayors, city council members, county supervisors, congressional representatives, and local and national media.

In his evening lecture to a packed campus auditorium, Scalia said he was saddened to see the Supreme Court deciding moral issues not addressed in the Constitution, such as abortion, gay rights and the death penalty.

Such questions should be settled by Congress or state legislatures beholden to the people, he said. I am questioning the propriety indeed, the sanity of having a value-laden decision such as this made for the entire society by unelected judges.

The justice added that it is blindingly clear that judges have no greater capacity than the rest of us to determine what is moral.

Without naming names, Scalia referred to the looming Supreme Court nominations and elicited laughter from the audience when he said, Each year the conflict over judicial appointments has grown more intense. One is tempted to shield his eyes from the upcoming spectacle.

He added, When I was appointed (by President Reagan in 1986), I was confirmed by a 98-0 vote by the Senate. Today, I doubt if I would even be confirmed to an appellate court.

Earlier, Scalia taught a constitutional law class at the Chapman law school, and then demonstrated his famed humor and wit during a re-enactment of a controversial 100-year-old Supreme Court case, *Lochner vs. New York*, in a dispute over the states prevailing labor laws.

Scalia, playing the role of Chief Justice Melville Fuller, who presided over the 1905 case, was joined on the bench by eight Chapman law school students and undergraduates playing the associate justices. California State Attorney General Bill Lockyer played the role of counsel for the state of New York, while Chapman law professor John Eastman argued for the plaintiff.

In less than 10 minutes of deliberation and 30 minutes of debate, Scalia's moot court overturned the original decision with a 9-1 vote. There will be no majority opinion, he joked. This will be one of those unpublished opinions that will not be citable before the Supreme Court.

The entire proceedings were spiced with lighthearted bantering. For instance, after Lockyer referred to Scalia's Italian heritage when arguing that the case was really about preventing competition from Italian immigrant labor, Scalia replied, *Mama mia!*

The Chapman School of Law's annual tradition of historic case re-enactments is one of a kind, according to Prof. Eastman. The fact that we have law students participating along with noted jurists is absolutely unique to Chapman. Previous distinguished jurists who have visited Chapman include Supreme Court Justices Clarence Thomas and William O. Douglas and former U.S. Solicitor General Kenneth W. Starr.

- About Chapman University

Chapman University, founded in 1861 and based in the city of Orange, is one of the oldest, most prestigious private universities in California. Known for its blend of liberal arts and professional programs, the university is comprised of eight schools and colleges: the Wilkinson College of Letters and Sciences, the George L. Argyros School of Business and Economics, the Lawrence and Kristina Dodge College of Film and Media Arts, the School of Law, the School of Music, the School of Education, the School of Communication Arts, and University College. Named to the list of top universities in the nation by U.S. News & World Report and The Princeton Review, Chapman University has 244 full-time faculty and enrolls more than 5,100 students, including 1,600 graduate and law students.