

## CLARENCE THOMAS

### **Position:**

Associate Justice

**Judicial Offices:** President George Bush appointed Thomas to the United States Court of Appeals for the District of Columbia Circuit; he took the oath of office on March 12, 1990. Clarence Thomas was nominated by President Bush as Associate Justice of the United States Supreme Court; the Senate confirmed the appointment on October 15, 1991 by a 52-48 vote. Clarence Thomas was sworn into office on October 23, 1991.

**Family:** Clarence Thomas was born June 28, 1948 in the Pin Point, near Savannah, Georgia. The second child of M.C. Thomas and Leola Williams; he grew up with his grandmother in Savannah. He married Virginia Lamp in 1987, and has one child, Jamal Adeen, from a previous marriage.

**Education:** St. John Vianney Minor Conception Seminary, 1967-1968: At Holy Cross College, he graduated ninth in his class with an A.B. in English, cum laude in 1971. He was a member of Alpha Sigma Nu and the Purple Key Society. At Yale Law School, he received his J.D. in 1974.

**Law Practice:** Thomas was admitted to the Missouri Bar in 1974 and later became an Attorney in the pesticide and agriculture division of the Monsanto Company, 1977-1979.

**Government Service:** Thomas served as assistant Attorney General of Missouri (1974-77), Legislative assistant to Senator John C. Danforth of Missouri (1979-81), Assistant Secretary for Civil Rights in the U.S. Department of Education (1981-82), and Chairman for the U. S. Equal Employment Opportunity Commission (1982-90).

**Other appointments and duties:** In 1982, he was named Chairman of the United States Equal Employment Opportunity Commission and served in that capacity until 1990.

Judge Clarence Thomas, President Bush's choice to succeed Thurgood Marshall on the Supreme Court, has always been quick to tell his friends and colleagues about the grinding poverty into which he was born in coastal Georgia.

His father abandoned the family to go north when Judge Thomas was 7 years old, and his harried mother sent him to live with his grandparents in Savannah, the first time he lived in a house with a toilet. His success, he has told friends, was due to his grandfather's insistence that he go to school and work hard.

It was this sense that he had earned everything, and that nothing was given him because of his race, that has made him an impassioned opponent of affirmative action. "I was raised to survive under the totalitarianism of segregation, not only without the active assistance of government but with its active opposition," he once said in a speech entitled, "Why Black Americans Should Look to Conservative Policies."

He has attacked with relish quotas, timetables and nearly all varieties of racial preference as having the insidious effect of enforcing a notion that blacks cannot compete with whites on an equal footing. Although his personal outlook on that issue probably extends into his judicial philosophy he has not yet had the chance to express it as a judge.

### **'Different View of the Means'**

"He made it strictly on the merits, and he resents the notion that he's ever gotten anywhere because he's black," said Lovida H. Coleman Jr., a Washington lawyer and friend of Judge Thomas's from the days when they both attended Yale Law School. She said his views of the goals of civil rights are the same as most black Americans. "It's just that he has a different view of the means to those ends," she said.

It was his opposition to preference programs for members of minority groups, friends say, that first brought him into the orbit of a small group of black conservatives who delighted in questioning the views of the traditional civil rights groups. Eventually he came to the attention of the Reagan Administration.

Principally because of his solid legal background and his views as a black opponent of affirmative action he has long been regarded as a hot prospect for the Republican Party, which he joined shortly after Ronald Reagan was elected President.

Clarence Thomas, 43 years old, was born in Savannah on June 23, 1948, then moved to the small segregated town of Pinpoint, Ga., where, he has recalled, everyone lived in rickety shacks.

## ANTHONY KENNEDY

**Position:** Associate Justice

**Judicial Offices:** Anthony Kennedy was nominated by President Ford to the U. S. Court of Appeals for the Ninth Circuit; he took oath of office May 30, 1975 and served for 12 years. While on this Court, he served on the Board of Directors of the Federal Judicial Center. He was later nominated by President Reagan to become an Associate Justice of the United States Supreme Court; he was affirmed by a Senate 97-0 vote on Feb 11, 1988. Kennedy took an oath of office on February 18, 1988.

**Family:** Anthony M. Kennedy was born July 23, 1936 in Sacramento, California. The second of his parents' three children, he grew up in a quiet rural community. His father worked as a lawyer and had a well-established law practice; his mother was involved in many Sacramento Civic activities. Kennedy married Mary Davis on June 29, 1963 and had three children: Justin Anthony, Gregory Davis, and Kristin Marie. Kennedy is currently 62 years old.

**Education:** Kennedy attended local public institutions and upon graduation from high school, attended Stanford University from 1954-57. For one year, he studied abroad at the London School of Economics from 1957-58 and graduated from Stanford U. with a A.B., earning a Phi Beta Kappa key in 1958. After Stanford, Kennedy continued his studies at Harvard Law School, graduating cum laude with his LL.B. in 1961.

**Law Practice:** Kennedy was admitted to the California bar in 1962 and the U. S. Tax Court bar in 1971. His experience includes practicing as an Associate with Thelen, Marrin, John & Bridges, San Francisco, 1961-63, and taking over his father's practice in Sacramento when his father unexpectedly passes away, 1963-67. He then became partner of Evans, Jackson & Kennedy in Sacramento, 1967-75.

**Law Teaching:** Kennedy served as an adjunct professor of constitutional law at the McGeorge School of Law, University of the Pacific, 1965-1988.

**Other Offices:** Kennedy was part of the California Army National Guard, 1961; a member of the Judicial Conference of the United States Advisory Panel on Financial Disclosure Reports and Judicial Activities, which was later renamed the Advisory Committee on Codes of Conduct, 1979-87. He was also on the Committee on Pacific Territories, 1979-1988 and later named chairman in 1982; on the board of the Federal Judicial Center, 1987-1988; a member of the American Bar Association, Sacramento County Bar Association, State Bar of California, a Phi Beta Kappa; and on the board of student advisors. He was also a Harvard faculty member from 1960-61.

Kennedy received a **bachelor's degree** from **Stanford University** in 1958 and a law degree from **Harvard University** in 1961. He was admitted to the bar in 1962 and subsequently practiced law in San Francisco and Sacramento, California. In 1965 he was appointed professor of **constitutional law** at the University of the Pacific's McGeorge School of Law, where he taught until 1988. In 1975 Kennedy was appointed by President **Gerald R. Ford** to the **U.S. Court of Appeals** for the Ninth Circuit, and in that capacity he established himself as a distinguished

candidate to fill the vacant seat on the U.S. Supreme Court created by the retirement of Justice **Lewis Powell** in 1987. Instead, President **Ronald Reagan** nominated **Robert H. Bork**, whose outspoken demeanour and sharply conservative views on constitutional law and social policy led to his rejection by the Senate. The quieter Kennedy was eventually nominated and was unanimously confirmed.

Early in his tenure, Kennedy proved to be markedly conservative. In his first term, he voted with Chief Justice **William H. Rehnquist** and Justice **Antonin Scalia**, two of the court's most conservative members, more than 90 percent of the time. With Justice **Sandra Day O'Connor**, Kennedy contributed critical votes that led to winning conservative majorities in cases limiting congressional authority under the **commerce clause** of the **Constitution of the United States** and striking down portions of gun-control legislation. In subsequent years, however, his decisions were more independent. Parting ways with his conservative colleagues, Kennedy rejected congressional term limits. In 1992 he coauthored (with O'Connor and Justice **David Souter**) the court's majority opinion in ***Planned Parenthood of Southeastern Pennsylvania v. Casey***, which held that legal restrictions on access to abortion must not constitute an "undue burden" on a woman's exercise of her right to abortion as established in ***Roe v. Wade*** (1973).

Kennedy's episodic departure from conservative jurisprudence reflected a civil-libertarian perspective on certain individual rights. For example, although he was generally deferential to the government on **criminal law** and related matters, he voted, along with Scalia and the court's liberals, to declare unconstitutional a Texas law that prohibited the desecration of the American flag, on the grounds that the Constitution protects such acts as symbolic speech. He also wrote the court's decision in ***Romer, Governor of Colorado v. Evans*** (1996), which voided an amendment to the Colorado state constitution that prohibited laws barring discrimination against homosexuals, and in ***Lawrence v. Texas*** (2003), which declared unconstitutional Texas's law criminalizing sodomy between two consenting adults of the same sex.

## **ANTONIN SCALIA**

### **Position:**

Associate Justice

**Judicial Offices:** Nominated by President Reagan to the United States Court of Appeals for the District of Columbia Circuit; took oath of office August 17, 1982  
Nominated by President Reagan as Associate Justice to the Supreme Court of the United States; the Senate confirmed the appointment on September 17, 1986 by a 98-0 vote.  
Took oath of office September 26, 1986.

**Family:** Antonin, often called "Nino", was born on March 11, 1936 in Trenton, NJ as the only child of Eugene and Catherine Scalia. His father was a professor of Romance languages and his mother was a teacher; Antonin was raised in Queens, Long Island. He married Maureen McCarthy on September 10, 1960 and had nine children: Ann Forrest, Eugene, John Francis, Catherine Elisabeth, Mary Clare, Paul David, Matthew, Christopher James, and Margaret Jane.

**Education:** Scalia attended St. Francis Xavier, a military prep school in Manhattan, where he graduated first in his class. He then continued his studies at Georgetown University, studying abroad at the University of Fribourg (Switzerland); he graduated with an A.B. summa cum laude in history. He was also the Valedictorian in 1957. Scalia continued on to Harvard Law school graduating magna cum laude in 1960; he distinguished himself further as note editor for the Harvard Law Review. After graduation, he traveled to Europe for a year as a Sheldon fellow from Harvard University.

**Government Service:** Scalia served as general counsel for the Office of Telecommunications Policy in the Executive Office of the President from 1971 to 1972, as chairman for the Administrative Conference of the United States (1972-74), and as Assistant Attorney General for the Office of Legal Counsel of the U. S. Department of Justice (1974-77). He later served as a Justice on the Court of Appeals for the District of Columbia from 1982 to 1986.

**Law Practice:** Scalia was admitted to the Ohio Bar (1962-67) and Virginia Bar (1970). He was engaged in private practice with Jones, Day, Cockley and Reavis in Cleveland, Ohio from 1961-67.

**Law Teaching:** Scalia was a professor of law at the University of Virginia (1967-71), a Resident Scholar of the American Enterprise Institute in Washington D.C. in 1977, a visiting professor of law at Georgetown University in 1977. He later became a professor of law at the University of Chicago (1977-82), and a visiting professor of law at both Stanford University and Georgetown University from 1980-81.

**Other Offices:** Antonin Scalia served as Editor for Regulation Magazine (1979-82), as chairman for the ABA Section of Administrative Law (1981-82), as chairman of the ABA Conference of Section Chairmen (1982-83), on the board of visitors for J. Reuben Clark Law School, Brigham Young University from 1978 to 1981.

Scalia's father, a Sicilian immigrant, taught Romance languages at Brooklyn College, and his Italian American mother taught elementary school. Scalia received a Roman Catholic parochial education in New York City and graduated at the top of his class from Georgetown University (A.B., 1957) in Washington, D.C. He attended Harvard Law School, where he edited the prestigious *Harvard Law Review*, graduating in 1960. He then worked for a law firm in Cleveland, Ohio (1961–67), before moving to Charlottesville, Virginia, where he taught at the University of Virginia Law School (1967–74). During his tenure at Virginia, he served the federal government as counsel to the Office of Telecommunications Policy (1971–72) and as chairman of the Administrative Conference of the United States (1972–74). In 1974 Scalia left academia to serve as assistant attorney general in the Office of Legal Counsel of the U.S. Department of Justice.

Scalia resumed his academic career at the University of Chicago Law School, where he taught from 1977 to 1982. During that period he was editor of *Regulation*, a review published by the conservative American Enterprise Institute. In 1982 President Ronald Reagan appointed him to the U.S. Court of Appeals for the District of Columbia Circuit. Appointed by Reagan to the Supreme Court in 1986, he won unanimous confirmation in the U.S. Senate.

Among the court's most passionate and outspoken justices, Scalia quickly earned a reputation for aggressiveness in oral argument and scathing criticism in written opinions, especially when expressing dissenting views. This tendency was especially apparent in cases involving abortion, which Scalia vehemently opposed. In *Webster v. Reproductive Health Services* (1989), for example, he admonished his fellow conservatives for failing to strike down *Roe v. Wade* (1973), which had established the right to abortion; and in a dissent to *Madsen v. Women's Health Center* (1994), in which the court ruled 6–3 that “buffer zones” around abortion clinics did not violate the free-speech rights of abortion opponents, he asserted that the court's ruling “departs so far from the established course of our jurisprudence that in any other context it would have been regarded as a candidate for summary reversal.”

Scalia was unwavering in his opinions as well as in his general approach to constitutional law. An opponent of “judicial activism,” the alleged tendency of some judges to usurp the power of elected legislatures by making the law rather than merely interpreting it, Scalia favoured a restrained judiciary, deference to the original intent of the framers in constitutional interpretation, and a limited role for the federal government. His originalism was illustrated by his view of the Eighth Amendment's prohibition of cruel and unusual punishment, which he claimed must be understood relative to the standards of justice applicable in the late 18th century. Although sometimes portrayed as unusual, his decisions also were noted for their logic and consistency. According to Scalia, the same freedom of speech that belongs to abortion opponents also extends to those who would desecrate the American flag. In his dissent in *Edwards v. Aguillard* (1987), in which the court struck down Louisiana's Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction Act, Scalia argued that original or legislative intent should govern judicial decisions when it is discoverable and apparently unambiguous, as he believed it was in this case. On the limited role of government, Scalia led a sharply divided court in striking down key provisions of the Brady Handgun Violence Prevention Act, arguing on the basis of states' rights in *Printz v. United States* (1997) that the federal government could not require state and local law-enforcement agencies to perform background checks on prospective gun owners. His credentials as a conservative justice were illustrated in *Lawrence v. Texas* (2003), in which the court struck down a Texas antisodomy law as an unconstitutional invasion of privacy; in a dissent read from the bench, Scalia criticized his colleagues for taking “sides in the culture war” and for signing on to “the so-called homosexual agenda.”

Although Scalia's views often elicited fierce criticism from scholars of constitutional law, he was nevertheless regarded as one of the court's leading intellects, and his opinions were considered among the best written in the Supreme Court's long history.

## **JOHN ROBERTS**

### **Position:**

Chief Justice

**Judicial Offices:** John Roberts was appointed to the United States Court of Appeals for the District of Columbia Circuit in 2003. President George W. Bush nominated him as Chief Justice of the United States, and he took his seat on September 29, 2005.

**Family:** Roberts was born in Buffalo, New York, on January 27, 1955, the son of John G. Roberts and Rosemary Podrasky. He grew up in a Roman Catholic, upper middle-class home along with three sisters: Kathy, Peggy and Barbara. Roberts married Jane Marie Sullivan in 1996, and they have two children - Josephine and John.

**Education:** Roberts graduated first in his high school class of 1973 from La Lumiere School, a Catholic boarding school in LaPorte, Indiana. He received a bachelor's degree summa cum laude from Harvard College in 1976 and a J.D. magna cum laude from Harvard Law School in 1979.

**Law Clerkship:** Roberts served as a law clerk for Henry J. Friendly of the United States Court of Appeals for the Second Circuit from 1979 to 1980. Subsequently, he served as a law clerk for then-Associate Justice William H. Rehnquist of the Supreme Court of the United States during the 1980 Term.

**Law Practice:** During the Reagan administration, Roberts served as a Special Assistant to U.S. Attorney General William French Smith from 1981 to 1982. From 1982 to 1986 he served as Associate Counsel to President Reagan under White House Counsel Fred Fielding. From 1989 to 1993 he was Principal Deputy Solicitor General for the U.S. Department of Justice. Roberts was nominated by George H.W. Bush in 1992 to the U.S. Court of Appeals for the District of Columbia Circuit, but his nomination expired when President Bush left office after losing the 1992 presidential election. Thereafter, Roberts was a partner at the Washington, D.C.-based firm of Hogan & Hartson where he had previously been an associate in 1990. He headed the firm's appellate practice and argued a number of cases before the Supreme Court. George W. Bush renominated Roberts to the Court of Appeals for the District of Columbia Circuit on January 7, 2003 after an earlier failed nomination, and Roberts received his commission on June 2, 2003.

**Other Activities:** Chief Justice Roberts is currently a member of the American Academy of Appellate Lawyers, the American Law Institute, the Edward Coke Appellate American Inn of Court and the National Legal Center for the Public Interest. He serves on the Federal Appellate Rules Advisory Committee.

U.S. Supreme Court Chief Justice John Roberts made headlines after he suffered a seizure at his vacation home in Maine on July 30, 2007.

Doctors who examined Roberts called the episode a "benign idiopathic seizure," finding no tumor, stroke or any other explanation.

Roberts had a similar, unexplained attack in 1993.

The seizure caused the chief justice to fall on a dock, where he sustained minor scrapes. He was hospitalized overnight for observation.

Born John Glover Roberts Jr. on January 27, 1955 in Buffalo, New York. After receiving his B.A. from Harvard College in 1976 and graduating magna cum laude from Harvard Law School in 1979, Roberts worked as a law clerk for Judge Henry J. Friendly of the U.S. Court of Appeals and for Chief Justice William H. Rehnquist, who was then an associate justice.

During the Reagan administration, Roberts served as aide to Attorney General William French Smith and as an aide to White House counsel Fred Fielding from 1982 to 1986. During the first Bush administration, from 1989 to 1993, he was the principal deputy solicitor general. For 14 years, he practiced civil litigation with an emphasis on appellate matters in Washington D.C. at the firm Hogan & Hartson before President George W.

Bush appointed him to the U.S. Court of Appeals for the D.C. Circuit in 2003.

A Republican Party loyalist, Roberts has argued in favor of a government regulation that banned abortion-related counseling by federally funded family-planning programs. His 1990 brief further noted that that "we continue to believe that Roe was wrongly decided and should be overruled." Roberts also co-authored a brief that argued in favor of clergy-led prayer at public school graduations.

On July 19, 2005, following the retirement of Associate Supreme Court Justice Sandra Day O'Connor, President Bush nominated Roberts to fill her vacancy. In September, Bush withdrew Roberts' nomination for an Associate Justice position and instead nominated him to be the 17th Chief Justice following the September 3 death of William H. Rehnquist.



**Elena Kagan** (pronounced /'keɪɡən/; born April 28, 1960)<sup>[3]</sup> is an Associate Justice of the Supreme Court of the United States, serving since August 7, 2010. Kagan is the Court's 112th justice and fourth female justice.

Kagan was born and raised in New York City. After attending Princeton, Oxford, and Harvard Law School, she completed federal Court of Appeals and Supreme Court clerkships. She began her career as a professor at the University of Chicago Law School, leaving to serve as Associate White House Counsel, and later as policy adviser, under President Clinton. After a nomination to the United States Court of Appeals for the D.C. Circuit, which expired without action, she became a professor at Harvard Law School and was later named its first female dean.

President Obama appointed her Solicitor General on January 26, 2009. On May 10, 2010, Obama nominated her to the Supreme Court to fill the vacancy from the impending retirement of Justice John Paul Stevens. After Senate confirmation, Kagan was sworn in on August 7, 2010, by Chief Justice John G. Roberts. Kagan's formal investiture ceremony before a special sitting of the United States Supreme Court took place on October 1, 2010.<sup>[4]</sup>

Kagan was born in New York City, the middle of three children, on the city's Upper West Side. Her mother, Gloria Gittelman Kagan, taught fifth and sixth grade at Hunter College Elementary School, and her father, Robert Kagan, was an attorney.<sup>[5][6]</sup> Kagan's two brothers are public school teachers.<sup>[7]</sup>

Kagan and her family lived in a third-floor apartment at West End Avenue and 75th Street<sup>[8]</sup> and attended Lincoln Square Synagogue.<sup>[9]</sup> Kagan was independent and strong-willed in her youth and, according to a former law partner, clashed with her Orthodox rabbi over aspects of her bat mitzvah.<sup>[8]</sup> "She had strong opinions about what a bat mitzvah should be like, which didn't parallel the wishes of the rabbi," said her former colleague. "But they finally worked it out. She negotiated with the rabbi and came to a conclusion that satisfied everybody." Kagan's rabbi, Shlomo Riskin, had never performed a ritual bat mitzvah before.<sup>[9]</sup> "Elena Kagan felt very strongly that there should be ritual bat mitzvah in the synagogue, no less important than the ritual bar mitzvah. This was really the first formal bat mitzvah we had," said Riskin. Kagan asked to read from the Torah on a Saturday morning but ultimately read on a Friday night, May 18, 1973, from the Book of Ruth.<sup>[9]</sup> Today, she identifies with Conservative Judaism.<sup>[9]</sup>

Childhood friend Margaret Raymond recalled that Kagan was a teenage smoker but not a partier. On Saturday nights, she and Kagan "were more apt to sit on the steps of the Metropolitan Museum of Art and talk."<sup>[8]</sup> Kagan also loved literature and re-read Jane Austen's *Pride and Prejudice* every year.<sup>[8]</sup> In her Hunter College High School yearbook of 1977, Kagan was pictured in a judge's robe and holding a gavel.<sup>[10]</sup>

Next to her photo was a quote from former Supreme Court Justice Felix Frankfurter: "Government is itself an art, one of the subtlest of arts."<sup>[11]</sup> After graduating from high school, Kagan attended Princeton University, where she earned an A.B., *summa cum*

*laude* in history in 1981. Among the subjects she studied was the socialist movement in New York City in the early 20th century. She wrote a senior thesis under historian Sean Wilentz titled "To the Final Conflict: Socialism in New York City, 1900–1933". In it she wrote, "Through its own internal feuding, then, the SP exhausted itself forever. The story is a sad but also a chastening one for those who, more than half a century after socialism's decline, still wish to change America."<sup>[12]</sup> Wilentz insists that she did not mean to defend socialism, noting that, "She was interested in it. To study something is not to endorse it."<sup>[13]</sup> Wilentz called Kagan "one of the foremost legal minds in the country, she is still the witty, engaging, down-to-earth person I proudly remember from her undergraduate days."<sup>[14]</sup>

As an undergraduate, Kagan also served as editorial chair of the *Daily Princetonian*. Along with eight other students (including Eliot Spitzer, who was student body president at the time), Kagan penned the Declaration of the Campaign for a Democratic University, which called for "a fundamental restructuring of university governance" and condemned Princeton's administration for making decisions "behind closed doors".<sup>[15]</sup>

She received Princeton's Daniel M. Sachs Class of 1960 Graduating Scholarship, one of the highest general awards conferred by the university, which enabled her to study at Worcester College, Oxford. She earned a Master of Philosophy at Oxford in 1983.<sup>[16]</sup> She received a Juris Doctor, magna cum laude, at Harvard Law School in 1986, where she was supervisory editor of the *Harvard Law Review*. Friend Jeffrey Toobin recalled Kagan "stood out from the start as one with a formidable mind. She's good with people. At the time, the law school was a politically charged and divided place. She navigated the factions with ease, and won the respect of everyone."<sup>[17]</sup>

Kagan has never married and has no children.<sup>[18]</sup>