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OA/ID Number: 13543
Folder ID Number: 13543-015

Folder Title:
Swearing-in Ceremony for Justice David Souter 10/8/90 [OA 6026]

Stack:	Row:	Section:	Shelf:	Position:
G	26	16	4	7

WHITE HOUSE STAFFING MEMORANDUM

90 OCT 9 A8:34

DATE: 10/5/90 ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE DAVID SOUTER

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PINKERTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WINSTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GRAY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CARNEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

The attached has been forwarded to the President.

RESPONSE:

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

THE WHITE HOUSE
WASHINGTON

October 5, 1990

MEMORANDUM FOR THE PRESIDENT

THROUGH: CHRISS WINSTON *W*
FROM: EDWARD E. McNALLY *em*
SUBJECT: SWEARING-IN CEREMONY FOR JUSTICE DAVID SOUTER

On Monday, October 8, at 5:00 p.m., you will give remarks and then observe the swearing-in of Supreme Court Justice David Souter in the East Room. Approximately 200 friends of Justice Souter and other government officials will attend.

The remarks (9 minutes, on cards) are rather formal, as befits the occasion.

McNally/Simon
Oct. 4, 1990
Draft Four (B:SOUTER)

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 5:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends of this extraordinary judge to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the independent judiciary it launched.

We meet on Columbus Day, birthdate of a modern hemisphere -- and an auspicious date for any new beginning. Elsewhere around the world, the origins of many countries are almost lost in time, their roots unclear or unknown. Not so in America. We know exactly where -- and exactly when -- our modern history begins. But we often forget that, back in 1492, Christopher Columbus was searching not for a new world, but for a new way -- a passage to the riches of the Far East. (In fact, Columbus was so confident he carried a letter from Queen Isabella to be delivered to the Emperor of China. [TRUE] This marked history's first known case of mail getting lost on its way across America.)

But if our modern history began with a search for earthly treasure, it was a search for something more elusive that actually gave birth to the United States. A search for freedom.

A search for justice and self-government. A search that produced the Constitution of the United States.

In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning. Wind and lightning. Years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. At age 81, he did it again. For four sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was wisdom. Wind and lightning. A nation inventing itself.

One of those 55 delegates was James Wilson, the son of a Scottish farmer, and the Pennsylvania lawyer who shared responsibility for writing the Constitution's first draft. A fervent advocate of the sovereignty of the people, Wilson fought for a strong national judiciary, and was one of the first to envision the principle of judicial review. Today, Wilson's idea stands as one of the cornerstones of our Republic -- and one of America's greatest gifts to the world. \\\

Tomorrow morning, Justice David Souter -- sounds good, doesn't it? -- assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson -- one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and founding member of one of the many organizations that has recog-

nized David Souter for his brilliant intellect -- Phi Beta Kappa.

34 years ago, this distinguished seat became open during the presidency of one of my personal heroes -- Dwight D. Eisenhower. And Ike filled that seat with a jurist who was to become one of the most personally beloved members of the Court: Justice William Brennan. And in marking this moment of transition, let me first -- on behalf of all Americans -- wish Justice Brennan a most pleasant and active retirement. \\\

Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I am grateful that many of the fine judges with whom he has served are able to be with us today.

During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his record. But even more important, Justice Souter once again demonstrated his life-long devotion to principle -- a simple, strait-forward, and enduring principle -- a principle quite familiar to Justice James Wilson and the other Framers of the Constitution. And the principle is this: **The role assigned to judges in our system is to interpret the Constitution and lesser laws -- not to make them.**

And on this issue of principle, I also want to congratulate the Judiciary Committee, and the full Senate, for the prompt and faithful exercise of their own constitutional responsibilities. By abiding by constitutional tradition -- by not insisting that a nominee commit himself to any preordained outcomes or formula-

tions -- you enabled Justice Souter to fully inform the Senate as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. It marks a victory for excellence over special interest politics, and let us hope it marks an end to litmus tests.

Like many Americans, I was particularly moved by Justice Souter's opening comments. "The first lesson," he said, "simple as it is, is that whatever court we are in, whatever we are doing ... at the end of our task some human being is going to be affected, some human life is going to be changed by what we do." And he added: And so "we had better use every power of our minds and our hearts and our beings to get those rulings right."

Now those are the sentiments of one very thoughtful and caring man. Matched by his extraordinary talents, impeccable integrity, and devotion to neutral principles, it promises that Justice Souter will serve the Court and the country as a powerful force for good. \\\

Just down the street, as the autumn twilight descends on Washington, an underground vault holds America's founding papers, the birth certificate of a Nation. Tomorrow morning the steel doors will open, the display case rising up to a large, rather ordinary room. And, like every morning, a long line of visitors will touch their fingers gently to the glass. Inches below, the paper is a deep yellow, but the writing is still strong and distinct. "We the People of the United States..."

The Constitution is not just a symbol but a living idea, the world's greatest experiment in freedom and self-government. Four hand-written pages that promise freedom and justice before the law. Unlike other nations, Americans cannot look to a common heritage of culture or blood. Americans come from every corner of the world, linked only by this, an idea, a nation that invented itself.

In just a few moments, we will all bear solemn witness to the oath of office of America's newest Supreme Court Justice -- and so help begin a new journey, a rite of passage and renewal that, with each generation, can breathe wind and lightning into an ancient dream. And so let me conclude with Justice Souter's own description of the task ahead: It is "the responsibility to join with eight other people, to make the promises of the Constitution a reality for our time, and to preserve that Constitution for the generations that will follow us, after we are gone from here."

And now I would invite Chief Justice William Rehnquist, with the assistance of Erin Rath, to administer the constitutional oath of office to Justice David Souter. \\ \\ Mr. Chief Justice.

#

[[FOLLOWING SWEARING-IN]] Thank you, ladies and gentlemen. And now on behalf of Chief Justice Rehnquist, Justice Souter and all the members of the Court, Barbara and I would like to invite you to join us for refreshments in the State Dining Room.

EAST ROOM \ MONDAY, OCTOBER 8, 1990 \ 5:00 P.M.

THANK YOU, AND GOOD AFTERNOON. MR. CHIEF JUSTICE, MEMBERS OF THE COURT, LADIES AND GENTLEMEN: TRULY, IT IS A GREAT HONOR TO GREET YOU AT THE WHITE HOUSE, AND IN PARTICULAR, TO WELCOME THE FRIENDS OF THIS EXTRAORDINARY JUDGE TO WASHINGTON.

TODAY'S CEREMONY IS HISTORIC FOR MANY REASONS. IT IS, OF COURSE, THE FIRST SUPREME COURT APPOINTMENT OF THIS PRESIDENCY.

- 2 -

BUT MORE IMPORTANTLY, IT SERVES AS ANOTHER OCCASION TO CELEBRATE THE 200 YEARS OF THE CONSTITUTION OF THE UNITED STATES, AND THE INDEPENDENT JUDICIARY IT LAUNCHED.

WE MEET ON COLUMBUS DAY, BIRTHDATE OF A MODERN HEMISPHERE -- AND AN AUSPICIOUS DATE FOR ANY NEW BEGINNING. ELSEWHERE AROUND THE WORLD, THE ORIGINS OF MANY COUNTRIES ARE ALMOST LOST IN TIME, THEIR ROOTS UNCLEAR OR UNKNOWN. NOT SO IN AMERICA.

WE KNOW EXACTLY WHERE -- AND EXACTLY WHEN -- OUR MODERN HISTORY BEGINS. BUT WE OFTEN FORGET THAT, BACK IN 1492, CHRISTOPHER COLUMBUS WAS SEARCHING NOT FOR A NEW WORLD, BUT FOR A NEW WAY -- A PASSAGE TO THE RICHES OF THE FAR EAST. (IN FACT, COLUMBUS WAS SO CONFIDENT HE CARRIED A LETTER FROM QUEEN ISABELLA TO BE DELIVERED TO THE EMPEROR OF CHINA. THIS MARKED HISTORY'S FIRST KNOWN CASE OF MAIL GETTING LOST ON ITS WAY ACROSS AMERICA.)

BUT IF OUR MODERN HISTORY BEGAN WITH A SEARCH FOR EARTHLY TREASURE, IT WAS A SEARCH FOR SOMETHING MORE ELUSIVE THAT ACTUALLY GAVE BIRTH TO THE UNITED STATES. A SEARCH FOR FREEDOM. A SEARCH FOR JUSTICE AND SELF-GOVERNMENT. A SEARCH THAT PRODUCED THE CONSTITUTION OF THE UNITED STATES.

IN ANCIENT CHINA, THE WORD "WISDOM" WAS FORMED BY A COMBINATION OF THE IDEOGRAMS FOR WIND AND LIGHTNING. WIND AND LIGHTNING.

YEARS BEFORE THE AMERICAN REVOLUTION, BENJAMIN FRANKLIN LOFTED A KITE UPON THE WIND AND SEIZED LIGHTNING FROM THE SKY. AT AGE 81, HE DID IT AGAIN. FOR FOUR SWELTERING MONTHS IN THE SUMMER OF 1787, 55 DELEGATES MET IN PHILADELPHIA, DEBATING A WONDERFUL, AUDACIOUS, UNSETTLING IDEA. WASHINGTON CALLED THE CONSTITUTION "LITTLE SHORT OF A MIRACLE." IT WAS WISDOM. WIND AND LIGHTNING. A NATION INVENTING ITSELF.

ONE OF THOSE 55 DELEGATES WAS JAMES WILSON, THE SON OF A SCOTTISH FARMER, AND THE PENNSYLVANIA LAWYER WHO SHARED RESPONSIBILITY FOR WRITING THE CONSTITUTION'S FIRST DRAFT. A FERVENT ADVOCATE OF THE SOVEREIGNTY OF THE PEOPLE, WILSON FOUGHT FOR A STRONG NATIONAL JUDICIARY, AND WAS ONE OF THE FIRST TO ENVISION THE PRINCIPLE OF JUDICIAL REVIEW. TODAY, WILSON'S IDEA STANDS AS ONE OF THE CORNERSTONES OF OUR REPUBLIC -- AND ONE OF AMERICA'S GREATEST GIFTS TO THE WORLD. \\\

TOMORROW MORNING, JUSTICE DAVID SOUTER -- SOUNDS GOOD, DOESN'T IT? -- ASSUMES A DISTINGUISHED SEAT ON THE SUPREME COURT. IT WAS FIRST HELD BY THAT VERY SAME JAMES WILSON -- ONE OF THE FIVE MEN THAT PRESIDENT GEORGE WASHINGTON FIRST APPOINTED TO THE SUPREME COURT IN 1789. HIS SUCCESSOR WAS BUSHROD WASHINGTON, A NEPHEW OF THE PRESIDENT, SOLDIER IN THE REVOLUTIONARY WAR, AND FOUNDING MEMBER OF ONE OF THE MANY ORGANIZATIONS THAT HAS RECOGNIZED DAVID SOUTER FOR HIS BRILLIANT INTELLECT -- PHI BETA KAPPA.

34 YEARS AGO, THIS DISTINGUISHED SEAT BECAME OPEN DURING THE PRESIDENCY OF ONE OF MY PERSONAL HEROES -- DWIGHT D. EISENHOWER. AND IKE FILLED THAT SEAT WITH A JURIST WHO WAS TO BECOME ONE OF THE MOST PERSONALLY BELOVED MEMBERS OF THE COURT: JUSTICE WILLIAM BRENNAN. AND IN MARKING THIS MOMENT OF TRANSITION, LET ME FIRST -- ON BEHALF OF ALL AMERICANS -- WISH JUSTICE BRENNAN A MOST PLEASANT AND ACTIVE RETIREMENT. \\\

LIKE HIS PREDECESSOR, JUSTICE SOUTER COMES TO THE COURT WITH A DISTINGUISHED RECORD OF JUDICIAL SERVICE. AND I AM GRATEFUL THAT MANY OF THE FINE JUDGES WITH WHOM HE HAS SERVED ARE ABLE TO BE WITH US TODAY.

DURING THE RECENT HEARINGS, JUSTICE SOUTER CLEARLY DEMONSTRATED THE SUPERB EDUCATION, TRAINING, AND EXPERIENCE THAT GRACE HIS RECORD.

BUT EVEN MORE IMPORTANT, JUSTICE SOUTER ONCE AGAIN DEMONSTRATED HIS LIFE-LONG DEVOTION TO PRINCIPLE -- A SIMPLE, STRAIT-FORWARD, AND ENDURING PRINCIPLE -- A PRINCIPLE QUITE FAMILIAR TO JUSTICE JAMES WILSON AND THE OTHER FRAMERS OF THE CONSTITUTION. AND THE PRINCIPLE IS THIS: THE ROLE ASSIGNED TO JUDGES IN OUR SYSTEM IS TO INTERPRET THE CONSTITUTION AND LESSER LAWS -- NOT TO MAKE THEM.

AND ON THIS ISSUE OF PRINCIPLE, I ALSO WANT TO CONGRATULATE THE JUDICIARY COMMITTEE, AND THE FULL SENATE, FOR THE PROMPT AND FAITHFUL EXERCISE OF THEIR OWN CONSTITUTIONAL RESPONSIBILITIES.

LIKE MANY AMERICANS, I WAS PARTICULARLY MOVED BY JUSTICE SOUTER'S OPENING COMMENTS AT HIS HEARINGS.

"THE FIRST LESSON," HE SAID, "SIMPLE AS IT IS, IS THAT WHATEVER COURT WE ARE IN, WHATEVER WE ARE DOING ... AT THE END OF OUR TASK SOME HUMAN BEING IS GOING TO BE AFFECTED, SOME HUMAN LIFE IS GOING TO BE CHANGED BY WHAT WE DO." AND HE ADDED: AND SO "WE HAD BETTER USE EVERY POWER OF OUR MINDS AND OUR HEARTS AND OUR BEINGS TO GET THOSE RULINGS RIGHT."

NOW THOSE ARE THE SENTIMENTS OF ONE VERY THOUGHTFUL AND CARING MAN. \\\

JUST DOWN THE STREET, AS THE AUTUMN TWILIGHT DESCENDS ON WASHINGTON, AN UNDERGROUND VAULT HOLDS AMERICA'S FOUNDING PAPERS, THE BIRTH CERTIFICATE OF A NATION. THE PAPER IS A DEEP YELLOW, BUT THE WRITING IS STILL STRONG AND DISTINCT. "WE THE PEOPLE OF THE UNITED STATES..."

THE CONSTITUTION IS NOT JUST A SYMBOL BUT A LIVING IDEA, THE WORLD'S GREATEST EXPERIMENT IN FREEDOM AND SELF-GOVERNMENT.

FOUR HANDWRITTEN PAGES THAT PROMISE FREEDOM AND JUSTICE BEFORE THE LAW. UNLIKE OTHER NATIONS, AMERICANS CANNOT LOOK TO A COMMON HERITAGE OF CULTURE OR BLOOD.

AMERICANS COME FROM EVERY CORNER OF THE WORLD, LINKED ONLY BY THIS, AN IDEA, A NATION THAT INVENTED ITSELF.

IN JUST A FEW MOMENTS, WE WILL ALL BEAR SOLEMN WITNESS TO THE OATH OF OFFICE OF AMERICA'S NEWEST SUPREME COURT JUSTICE. AND SO LET ME CONCLUDE WITH JUSTICE SOUTER'S OWN DESCRIPTION OF THE TASK AHEAD:

IT IS "THE RESPONSIBILITY TO JOIN WITH EIGHT OTHER PEOPLE, TO MAKE THE PROMISES OF THE CONSTITUTION A REALITY FOR OUR TIME, AND TO PRESERVE THAT CONSTITUTION FOR THE GENERATIONS THAT WILL FOLLOW US, AFTER WE ARE GONE FROM HERE."

AND NOW I WOULD INVITE CHIEF JUSTICE WILLIAM REHNQUIST, WITH THE ASSISTANCE OF ERIN RATH, TO ADMINISTER THE CONSTITUTIONAL OATH OF OFFICE TO JUSTICE DAVID SOUTER. \ \ \ MR. CHIEF JUSTICE.

* * * *

[[FOLLOWING SWEARING-IN]] THANK YOU, LADIES AND GENTLEMEN. AND NOW ON BEHALF OF CHIEF JUSTICE REHNQUIST, JUSTICE SOUTER AND ALL THE MEMBERS OF THE COURT, BARBARA AND I WOULD LIKE TO INVITE YOU TO JOIN US FOR REFRESHMENTS IN THE STATE DINING ROOM.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

COUNSEL'S OFFICE
RECEIVED

OCT 5 1990

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4--PM 6:50

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 4:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends ~~and family~~ of this extraordinary judge to Washington. ✓

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the unprecedented, independent judiciary it launched.

We meet on Columbus Day, birthdate of a modern hemisphere -- and an auspicious date for any new beginning. Elsewhere around the world, the origins of most countries are almost lost in time, their roots unknown. Not so in America. We know exactly where -- and exactly when -- our modern history begins. But we often forget that, back in 1492, Christopher Columbus was searching not for a new world, but for a new way -- a passage to the riches of the Far East. (In fact, Columbus was so confident he carried a letter from Queen Isabella to be delivered to the Emperor of China. This marked history's first known case of mail getting lost on its way across America.) \\\

But if our modern history began with a search for earthly treasure, it was a search for something more elusive that actually gave birth to the United States. A search for freedom.

A search for justice and self-government. A search that produced the Constitution of the United States.

In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning. Wind and lightning. Years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. At age 81, he did it again. For four sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was wisdom. Wind and lightning. A nation inventing itself.

One of those 55 delegates was James Wilson, the son of a Scottish farmer, and the Pennsylvania lawyer who shared responsibility for writing the Constitution's first draft. A fervent advocate of the sovereignty of the people, Wilson fought for a strong national judiciary, and was one of the first to envision the principle of judicial review. Today, Wilson's idea stands as one of the cornerstones of our Republic -- and one of America's greatest gifts to the world.

And tomorrow morning, Justice David Souter -- sounds good, doesn't it? -- assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson -- one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and founding member of one of the many organizations that has recog-

nized David Souter for his brilliant intellect -- Phi Beta Kappa.

34 years ago, this distinguished seat became open during the presidency of one of my personal heroes -- Dwight D. Eisenhower. And Ike filled that seat with a jurist who was to become one of the most personally beloved members of the Court: Justice

William Brennan. And in marking this moment of transition, let me first -- on behalf of all Americans -- wish Justice Brennan a

most pleasant and active retirement. It is well-earned, and we thank Justice Brennan for his full career of service to the public. ||||

Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I am grateful that many of the fine judges with whom he has served are able to be with us today.

During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his record. But even more important, Justice Souter once again demonstrated his life-long devotion to principle -- a simple, strait-forward, and enduring principle -- a principle quite familiar to Justice James Wilson and the other Framers of the Constitution. And the principle is this: **The role assigned to judges in our system is to interpret the Constitution and lesser laws -- not to make them.**

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And on this issue of principle, I also want to congratulate the Judiciary Committee, and the full Senate, for the prompt and faithful exercise of their own constitutional responsibilities. By abiding by constitutional tradition -- by not insisting that a nominee commit himself to any preordained outcomes or formula-

As he put the matter during the hearing, the judge's job is to try to find an objective source of meaning which constrains, as well to the rest of the republic

tions -- you enabled Justice Souter to fully inform the Senate, as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. It marks a victory for excellence over special interest politics, and let us hope it means an end to litmus tests.

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THE WHITE HOUSE

WASHINGTON

October 5, 1990

MEMORANDUM FOR THE PRESIDENT

THROUGH: CHRISS WINSTON *W*
FROM: EDWARD E. McNALLY *EM*
SUBJECT: SWEARING-IN CEREMONY FOR JUSTICE DAVID SOUTER

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McNally/Simon
Oct. 4, 1990
Draft Four (B:SOUTER)

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Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I am grateful that many of the fine judges with whom he has served are able to be with us today.

During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his record. But even more important, Justice Souter once again demonstrated his life-long devotion to principle -- a simple, strait-forward, and enduring principle -- a principle quite familiar to Justice James Wilson and the other Framers of the Constitution. And the principle is this: The role assigned to judges in our system is to interpret the Constitution and lesser laws -- not to make them.

And on this issue of principle, I also want to congratulate the Judiciary Committee, and the full Senate, for the prompt and faithful exercise of their own constitutional responsibilities. By abiding by constitutional tradition -- by not insisting that a nominee commit himself to any preordained outcomes or formula-

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Now those are the sentiments of one very thoughtful and caring man. Matched by his extraordinary talents, impeccable integrity, and ~~devotion to~~ ^{unbiased approach} neutral principles, it promises that Justice Souter will serve the Court and the country as a powerful force for ^{justice under law.} ~~good.~~ \\\

Just down the street, as the autumn twilight descends on Washington, an underground vault holds America's founding papers, the birth certificate of a Nation. Tomorrow morning the steel doors will open, the display case rising up to a large, rather ordinary room. And, like every morning, a long line of visitors will touch their fingers gently to the glass. Inches below, the paper is a deep yellow, but the writing is still strong and distinct. "We the People of the United States..."

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In just a few moments, we will all bear solemn witness to the oath of office of America's newest Supreme Court Justice -- and so help begin a new journey, a rite of passage and renewal that, with each generation, can breathe wind and lightning into an ancient dream. And so let me conclude with Justice Souter's own description of the task ahead: It is "the responsibility to join with eight other people, to make the promises of the Constitution a reality for our time, and to preserve that Constitution for the generations that will follow us, after we are gone from here."

And now I would invite Chief Justice William Rehnquist, with the assistance of Erin Rath, to administer the constitutional oath of office to Justice David Souter. \\ \\ Mr. Chief Justice.

#

[[FOLLOWING SWEARING-IN]] Thank you, ladies and gentlemen. And now on behalf of Chief Justice Rehnquist, Justice Souter and all the members of the Court, Barbara and I would like to invite you to join us for refreshments in the State Dining Room.

90 OCT 5 9:52

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN <i>N/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH <i>N/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u> <i>N/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 PM 6:50

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 4:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends and ~~family~~ of this extraordinary judge to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the ~~unprecedented~~, independent judiciary it launched.

We meet on Columbus Day, birthdate of a modern hemisphere -- and an auspicious date for any new beginning. Elsewhere around the world, the origins of ~~most~~ ^{now} countries are almost lost in time, their roots ^{unclear or} unknown. Not so in America. We know exactly where -- and exactly when -- our modern history begins. But we often forget that, back in 1492, Christopher Columbus was searching not for a new world, but for a new way -- a passage to the riches of the Far East. (In fact, Columbus was so confident he carried a letter from Queen Isabella to be delivered to the Emperor of China. This marked history's first known case of mail getting lost on its way across America.) \\\

But if our modern history began with a search for earthly treasure, it was a search for something more elusive that actually gave birth to the United States. A search for freedom.

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In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning. Wind and lightning. Years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. At age 81, he did it again. For four sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was wisdom. Wind and lightning. A nation inventing itself.

One of those 55 delegates was James Wilson, the son of a Scottish farmer, and the Pennsylvania lawyer who shared responsibility for writing the Constitution's first draft. A fervent advocate of the sovereignty of the people, Wilson fought for a strong national judiciary, and was one of the first to envision the principle of judicial review. **Today, Wilson's idea stands as one of the cornerstones of our Republic -- and one of America's greatest gifts to the world.**

And tomorrow morning, Justice David Souter -- sounds good, doesn't it? -- assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson -- one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and founding member of one of the many organizations that has recog-

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tions -- you enabled Justice Souter to fully inform the Senate as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. **It marks a victory for excellence over special interest politics, and let us hope it means an end to litmus tests.**

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And now I will ^{invite} ~~ask that~~ Chief Justice William Rehnquist administer the constitutional oath of office to Judge Souter.

Mr. Chief Justice.

#

with the
assistance of
Erin Rath

[Close ceremony by inviting guests to join
Pres. & Souter for refreshments]

90 OCT 5 P4: 21

THE WHITE HOUSE

WASHINGTON

October 5, 1990

MEMORANDUM FOR CHRISS WINSTON

FROM:

JIM PINKERTON

SUBJECT:

Souter Swearing-In Draft Speech

pg. 3, para. 2, line 5 "Let me first...wish Justice Brennan a most pleasant and active retirement. It is well-earned."

"It is well-earned" will be seen as a clever speechwriter's veiled poke at Brennan. Of course that is not the case, but to prevent misinterpretation we suggest something like, "Through your [or "His"] decades of service, you have earned the gratitude of millions of Americans."

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90 OCT 5 P4: 52 **WHITE HOUSE STAFFING MEMORANDUM**

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

N/C

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 PM 6:50

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Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the unprecedented, independent judiciary it launched.

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Mr. Chief Justice.

#

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMEYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u> →	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

Good Speed

90 OCT 5 P4:43

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 PM 6:50

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THE EAST ROOM
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Mr. Chief Justice.

#

WHITE HOUSE STAFFING MEMORANDUM

90 OCT 5 4:22



DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>



REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

OK Bruce Sam far Sh

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 PM 6:50

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 4:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends and family of this extraordinary judge to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the unprecedented, independent judiciary it launched.

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But if our modern history began with a search for earthly treasure, it was a search for something more elusive that actually gave birth to the United States. A search for freedom.

A search for justice and self-government. A search that produced the Constitution of the United States.

In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning. Wind and lightning. Years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. At age 81, he did it again. For four sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was wisdom. Wind and lightning. A nation inventing itself.

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And tomorrow morning, Justice David Souter -- sounds good, doesn't it? -- assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson -- one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and founding member of one of the many organizations that has recog-

nized David Souter for his brilliant intellect -- Phi Beta Kappa.

34 years ago, this distinguished seat became open during the presidency of one of my personal heroes -- Dwight D. Eisenhower. And Ike filled that seat with a jurist who was to become one of the most personally beloved members of the Court: Justice William Brennan. And in marking this moment of transition, let me first -- on behalf of all Americans -- wish Justice Brennan a most pleasant and active retirement. It is well-earned. \\\

Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I am grateful that many of the fine judges with whom he has served are able to be with us today.

During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his record. But even more important, Justice Souter once again demonstrated his life-long devotion to principle -- a simple, strait-forward, and enduring principle -- a principle quite familiar to Justice James Wilson and the other Framers of the Constitution. And the principle is this: **The role assigned to judges in our system is to interpret the Constitution and lesser laws -- not to make them.**

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tions -- you enabled Justice Souter to fully inform the Senate as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. It marks a victory for excellence over special interest politics, and let us hope it means an end to litmus tests.

Like many Americans, I was particularly moved by Judge Souter's opening comments. "The first lesson," he said, "simple as it is, is that whatever court we are in, whatever we are doing ... at the end of our task some human being is going to be affected, some human life is going to be changed by what we do." And he added: And so "we had better use every power of our minds and our hearts and our beings to get those rulings right."

Now those are the sentiments of one very thoughtful and caring man. Matched by his extraordinary talents, impeccable integrity, and devotion to neutral principles, it promises that Justice Souter will serve the Court and the country as a powerful force for good. \\\

Just down the street, as the autumn twilight descends on Washington, an underground vault holds America's founding papers, the birth certificate of a Nation. Tomorrow morning the steel doors will open, the display case rising up to a large, rather ordinary room. And, like every morning, a long line of visitors will touch their fingers gently to the glass. Inches below, the paper is a deep yellow, but the writing is still strong and distinct. "We the People of the United States..."

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In just a few moments, we will all bear solemn witness to the oath of office of America's newest Supreme Court Justice -- and so help begin a new journey, a rite of passage and renewal that, with each generation, can breathe new life into an ancient dream. And so let me conclude with Judge Souter's own description of the task ahead: It is "the responsibility to join with eight other people, to make the promises of the Constitution a reality for our time, and to preserve that Constitution for the generations that will follow us after we are gone from here."

And now I will ask that Chief Justice William Rehnquist administer the constitutional oath of office to Judge Souter.

Mr. Chief Justice.

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WHITE HOUSE STAFFING MEMORANDUM
 90 OCT 5 P4:28

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE: *No comment*

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 -PM 6:50

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 4:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends and family of this extraordinary judge to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the unprecedented, independent judiciary it launched.

We meet on Columbus Day, birthdate of a modern hemisphere -- and an auspicious date for any new beginning. Elsewhere around the world, the origins of most countries are almost lost in time, their roots unknown. Not so in America. We know exactly where -- and exactly when -- our modern history begins. But we often forget that, back in 1492, Christopher Columbus was searching not for a new world, but for a new way -- a passage to the riches of the Far East. (In fact, Columbus was so confident he carried a letter from Queen Isabella to be delivered to the Emperor of China. This marked history's first known case of mail getting lost on its way across America.) \\\

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One of those 55 delegates was James Wilson, the son of a Scottish farmer, and the Pennsylvania lawyer who shared responsibility for writing the Constitution's first draft. A fervent advocate of the sovereignty of the people, Wilson fought for a strong national judiciary, and was one of the first to envision the principle of judicial review. **Today, Wilson's idea stands as one of the cornerstones of our Republic -- and one of America's greatest gifts to the world.**

And tomorrow morning, Justice David Souter -- sounds good, doesn't it? -- assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson -- one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and founding member of one of the many organizations that has recog-

nized David Souter for his brilliant intellect -- Phi Beta Kappa.

34 years ago, this distinguished seat became open during the presidency of one of my personal heroes -- Dwight D. Eisenhower. And Ike filled that seat with a jurist who was to become one of the most personally beloved members of the Court: Justice William Brennan. And in marking this moment of transition, let me first -- on behalf of all Americans -- wish Justice Brennan a most pleasant and active retirement. It is well-earned. \\\

Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I am grateful that many of the fine judges with whom he has served are able to be with us today.

During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his record. But even more important, Justice Souter once again demonstrated his life-long devotion to principle -- a simple, strait-forward, and enduring principle -- a principle quite familiar to Justice James Wilson and the other Framers of the Constitution. And the principle is this: **The role assigned to judges in our system is to interpret the Constitution and lesser laws -- not to make them.**

And on this issue of principle, I also want to congratulate the Judiciary Committee, and the full Senate, for the prompt and faithful exercise of their own constitutional responsibilities. By abiding by constitutional tradition -- by not insisting that a nominee commit himself to any preordained outcomes or formula-

tions -- you enabled Justice Souter to fully inform the Senate as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. It marks a victory for excellence over special interest politics, and let us hope it means an end to litmus tests.

Like many Americans, I was particularly moved by Judge Souter's opening comments. "The first lesson," he said, "simple as it is, is that whatever court we are in, whatever we are doing ... at the end of our task some human being is going to be affected, some human life is going to be changed by what we do." And he added: And so "we had better use every power of our minds and our hearts and our beings to get those rulings right."

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And now I will ask that Chief Justice William Rehnquist administer the constitutional oath of office to Judge Souter.

Mr. Chief Justice.


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WHITE HOUSE STAFFING MEMORANDUM

90 OCT 5 P3:49

DATE: 10/4/90 ACTION/CONCURRENCE/COMMENT DUE BY: 10/5/90 4:00 PM

SUBJECT: PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE SOUTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CARNEY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward any comments directly to Chriss Winston, Rm. 122, x2930, no later than 4:00 PM, Friday, October 5, with a copy to my office. Thank you.

RESPONSE:

*See Comments. Thanks.
Haley Williamson
10-5-90*

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

McNally/Simon
Oct. 3, 1990
Draft Three (B:SOUTER)

90 OCT -4 PM 6:50

PRESIDENTIAL REMARKS: SWEARING-IN CEREMONY FOR JUSTICE SOUTER
THE EAST ROOM
MONDAY, OCTOBER 8, 1990, 4:00 P.M.

Thank you, and good afternoon. Mr. Chief Justice, Members of the Court, ladies and gentlemen: Truly, it is a great honor to greet you at the White House, and in particular, to welcome the friends and family of this extraordinary judge to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this presidency. But more importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States, and the ~~unprecedented~~, independent judiciary it launched.

As we celebrate on (COCA)
~~We meet on~~ Columbus Day, birthdate of a modern hemisphere

-- and an auspicious date for any new beginning. Elsewhere around the world, ~~the origins of most countries are almost lost~~

unclear or
~~in time~~, their roots unknown. Not so in America. We know exactly where -- and exactly when -- our modern history begins.

But we often forget that, back in 1492, Christopher Columbus was searching not for a new world, but for a new way -- a passage to the riches of the Far East. (In fact, Columbus was so confident

Queen Isabella to be delivered to the marked history's first known case of mail across America.) \\\

history began with a search for earthly ch for something more elusive that the United States. A search for freedom.

(DOJ) →
Judicial System in England by them.

(DOJ) →
Don't most countries know their origins?

"ALMOST"

The answer is: No. The historical origins of the Irish, the French, the Arab peoples, the Polynesians, virtually all of Africa, the Japanese, etc. etc. are in fact "lost in time" and today only a matter of conjecture. — McNally

A search for justice and self-government. A search that produced the Constitution of the United States.

In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning. Wind and lightning. Years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. At age 81, he did it again. For four sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was wisdom. Wind and lightning. A nation inventing itself.

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William Brennan. And in marking this moment of transition, let me first -- on behalf of all Americans -- wish Justice Brennan a most pleasant and active retirement. It is well-earned. ||||

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✓(COCA)
Does it sound too much like we are glad to see him go?

✓(COCA)
Souter said?

tions -- you enabled Justice Souter to fully inform the Senate as to his qualifications and general interpretive principles, while still abiding by the constraints needed to protect our tradition of an independent judiciary. It marks a victory for excellence over special interest politics, and let us hope it means an end to litmus tests.

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Justice Justice? (COCA)
Do we need to be consistent?
Yes

Now those are the sentiments of one very thoughtful and caring man. ~~Matched by his extraordinary talents, impeccable integrity, and devotion to neutral principles, it promises that~~ Justice Souter will serve the Court and the country as a powerful force for good. \\\

✓ COOS

With unbiased approach

Just down the street, as Washington, an underground va the birth certificate of a Na doors will open, the display ordinary room. And, like eve will touch their fingers gently to the glass. Inches below, the paper is a deep yellow, but the writing is still strong and distinct. "We the People of the United States..."

Note: "neutral principles" is conservative code words that Council's office specifically wanted in. - McVally

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Mr. Chief Justice.

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Chriss - DOJ = Justice Dept.
OCA = Cabinet Affairs.

Thx. Holly