In Justice Scalia’s chambers, there’s a photograph on the wall from a trip he took to India many years ago with his colleague, Justice Ginsburg. The two of them are riding together – on an elephant. I have to admit that, when I first began my clerkship for the Justice thirteen years ago, I found that picture more than a little puzzling.

Like most clerks fresh out of law school, my impressions about the Justice had been formed largely from his legal writings. Brilliant, but trenchant – clashing with his colleagues over everything from the independent counsel statute to the Virginia Military Institute’s admission policies. Being on the receiving end of one of those dissents is not the sort of thing I would have thought likely to inspire someone to want to go out for an elephant ride with you.

If this was puzzling at first, it was not for long. Those who have ever had the good fortune to know the Justice can attest that one of his gifts was his capacity for friendship and good humor even toward those with whom he disagreed. He had a spirit of collegiality about him every time he interacted with his fellow Justices – or indeed anyone at the Court. That unwavering good nature really stood out during my year there.
I don’t mean to downplay his abilities as a judge. Clerking for the Justice was a humbling experience. I remember being handed the latest draft of an opinion and just being floored by the writing – the incredible turns of phrase you knew would shortly be quoted in newspapers and textbooks for decades; yet there you were, reading them before the ink was even dry, like some kid peeking at his Christmas presents a day early. Or debating over how a case should come out by reading passages from Blackstone – a scene that a cynic might conjure up as a caricature of the judicial process, except you were there and you know it actually happened. Those are moments I will always vividly remember.

As great a judge as he was, I would be remiss if I did not also mention the many times we were the beneficiaries of his character, humor, and good nature. As with generations of clerks before us, the Justice took us all out to his favorite Italian restaurant, an old dive named A.V. Ristorante – a Washington institution that was sadly paved over in the name of progress a few years ago. The Justice considered it an important part of our education to be introduced to his particular dish of choice, the anchovy pizza – an exercise that proved that, although there is always a right answer in the law, pizza is definitely a matter of personal taste.

Another highlight was the time he invited us to his home for dinner. Those of you who have met his wife Maureen know that she is surely responsible for
much of the Justice’s good disposition. And let me add that the Scalia family makes a mean whiskey sour slushy.

It would be an honor to give a memorial to the Justice in any forum. But I think he would be especially pleased to be honored here, at the Supreme Court Historical Society. The Justice cherished history. Not just for its artifacts and memorabilia. But because he saw history as the basis for the Court’s legitimacy and the foundation for the rule of law.

The Justice’s judicial philosophy carried the day on the Court more often than some of his critics would like to admit. He never persuaded all of his colleagues all of the time. But he pursued his principles with fervor and integrity wherever they led him, and I don’t think those principles could have asked for a better spokesman.

The Justice knew that we not only receive history but make it as well. Just as we read Chief Justice Marshall’s opinions, future generations will read ours – the dissents as well as the majorities. The Court’s legacy, though, is more than its bound volumes. It is also the respect, the camaraderie, and the friendship among those who have been part of the Court, in whatever capacity and however briefly. There too, the Justice left his indelible mark. We will miss him.