

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R16-1164.01 Jessica Wigent

HJR16-1014

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HOUSE JOINT RESOLUTION 16-1014

101 **CONCERNING MEMORIALIZING THE HONORABLE LIFE OF SUPREME**
102 **COURT JUSTICE ANTONIN SCALIA.**

1 WHEREAS, Supreme Court Justice Antonin Scalia, a sentinel for
2 the United States Constitution, departed this life on February 13, 2016, at
3 the age of 79; and

4 WHEREAS, Known as "Nino" to his friends, Justice Scalia was
5 born on March 11, 1936, in Trenton, New Jersey, and grew up in Queens,
6 New York, as the only child of Salvatore Eugene, who emigrated from
7 Sicily, and Catherine Panaro; and

8 WHEREAS, A history major at Georgetown University, Justice
9 Scalia graduated valedictorian of the Class of 1957 and attended law
10 school at Harvard University; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, It was at law school where he met his wife, Maureen,
2 and during their 50 years of marriage they took great pride in their nine
3 children, five sons and four daughters, raising them in the same devout
4 Catholicism of Justice Scalia's upbringing; and

5 WHEREAS, After graduation, he spent six years in private
6 practice in Cleveland and then joined the faculty of the University of
7 Virginia Law School; his decades of public service began in 1971, when
8 he served in various positions in President Nixon's administration,
9 eventually serving as head of the Justice Department's Office of Legal
10 Counsel; during President Ford's Administration, Justice Scalia was
11 appointed Assistant Attorney General; and

12 WHEREAS, In 1982, President Ronald Reagan nominated Justice
13 Scalia to the United States Court of Appeals for the District of Columbia
14 Circuit; after serving four years, his vigorous opinions and sense of
15 humor again caught the eye of President Reagan, who nominated him to
16 the Supreme Court when then-Chief Justice Warren Burger announced
17 his retirement; and

18 WHEREAS, With a unanimous 98-0 approval by the Senate,
19 Justice Scalia was confirmed to the Supreme Court in 1986; and

20 WHEREAS, As the longest serving member of the current Court
21 (29 years and 4 months) at the time of his death, Justice Scalia was a
22 champion of "originalism", or interpreting the Constitution through a
23 strict evaluation of its text and the intent of its authors; his debate and
24 active participation in the oral arguments and questioning of witnesses
25 earned him the high regard of both admirers and detractors alike; and

26 WHEREAS, Justice Scalia brought such remarkable intellect,
27 prolific writings, and sharp wit to the Court that he wrote 54% of the
28 dissenting opinions during his tenure, compared to 45% for the rest of the
29 Court, and 26% of the majority opinions, compared to 19% for the other
30 justices; and

31 WHEREAS, Justice Scalia cast the deciding vote in 342 decisions,
32 though his dissents were often as lauded and newsworthy as his majority
33 opinions; he often said, "a good hard-hitting dissent keeps you honest",
34 and many of his earlier dissents would, years later, guide majority
35 opinions; and

1 WHEREAS, A staunch advocate of our First Amendment right to
2 free speech, in 1989 he was the deciding vote in striking down the law
3 making it a crime to burn the American flag, an act that personally
4 offended him; "Very often," he said, "if you're a good judge you don't
5 really like the results you're reaching"; and

6 WHEREAS, Justice Scalia was a firm and loyal defender of the
7 rights of the accused, and he helped transform aspects of criminal law
8 since he saw "an ever increasing volume of laws" producing
9 over-criminalization; many consider his opinions on defendants' rights,
10 including the right to trial by an impartial jury and confronting one's
11 accusers, as strengthening the protections of the Sixth Amendment in
12 courtrooms across the country; and

13 WHEREAS, Justice Scalia was a tireless protector of citizens
14 against unreasonable searches and seizures by the government and
15 guarded this Fourth Amendment right by dissenting that law enforcement
16 should not be able to procure the DNA from anyone charged with a
17 violent crime; and

18 WHEREAS, Justice Scalia was a fervent defender of our Second
19 Amendment rights and wrote the majority opinion striking down a ban on
20 handguns, ruling that the Second Amendment applies not only to
21 members of the military, but to each and every American; "We hold," he
22 wrote, "that the Second Amendment guarantees an individual the right to
23 have and use arms for self-defense in the home"; and

24 WHEREAS, Outside of the court, Justice Scalia was a man of
25 profound faith and true love for his country and fellow man, a man whose
26 love of the arts, in particular the opera, he shared with his colleague and
27 friend, Justice Ruth Bader Ginsburg; while the two held nearly
28 diametrically opposing views of judicial philosophy, their families
29 vacationed together and shared dinners and New Year's Eve celebrations;
30 similarly, Justice Scalia and Justice Elena Kagan shared hunting trips
31 together; now, therefore,

32 *Be It Resolved by the House of Representatives of the Seventieth*
33 *General Assembly of the State of Colorado, the Senate concurring herein:*

34 That we, the members of the General Assembly of the state of
35 Colorado, hereby recognize that Supreme Court Justice Antonin Scalia
36 has served with distinction on the Supreme Court and that he should be

1 remembered as a devoted husband and father, faithful public servant,
2 brilliant jurist, and fierce defender of the rule of law and of our nation's
3 exceptional Constitution; he has left our nation grateful for his wisdom,
4 wit, and warmth.

5 *Be It Further Resolved*, That copies of this Joint Resolution be sent
6 to the family of Justice Antonin Scalia; President Barack Obama;
7 Colorado Governor John Hickenlooper; Colorado Supreme Court Chief
8 Justice Nancy Rice; and Colorado's Congressional delegation.