

the people of this Nation and to the Constitution of the United States.

I understand that as a professor, you concluded your class each semester with a quotation from Robert Bolt. I think it is appropriate to cite another of Bolt's quotations here, "The law is not a 'light' for you or any man to see by; the law is not an instrument of any kind. The law is a causeway upon which so long as he keeps to it, a citizen may walk safely."

Judge Scalia, as a final arbiter of what the law is, keep that causeway forever straight, forever clear, and forever safe.

Good luck.

Senator SIMPSON [presiding]. Thank you, Senator Heflin.

And now I believe Senator Grassley, the Senator from Iowa, please.

#### STATEMENT OF SENATOR CHARLES E. GRASSLEY

Senator GRASSLEY. Thank you, Mr. Chairman.

First of all, let me personally congratulate you again, as I did in my office, on your nomination to serve on the Supreme Court.

By all accounts, you are an individual of great intellectual firepower, the energetic scholar, full of thoughtful as well as thought-provoking ideas.

Most recently, in your 4 years on the Court of Appeals for the D.C. Circuit, you authored more than 80 majority opinions and dozens of concurring and dissenting opinions.

Your colleagues on the D.C. circuit, it is my understanding, have found a most reasonable and fair judge, congenial and easy to work with. This is the view even among those with a different philosophy like Judge Wald and Judge Mikva.

It has been said that you especially enjoy the give and take of lawyerly dialog. This will make you well suited to the operation of the Court.

Before your appointment to the court of appeals, you proved to be a formidable legal scholar at both the University of Chicago and the American Enterprise Institute. You have had nearly two dozen articles published. I also note that you are the son of an Italian immigrant, and that has been played up, as it legitimately ought to, today. If confirmed, you will be the first Italian American to serve on the Supreme Court. Undoubtedly, this is a source of great pride in the Italian-American community, as it should be.

I believe it is further evidence of our truly pluralistic society. In sum, from what I know about your intellect, experience, and ability, it seems to me that President Reagan has made a wise choice.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Grassley.

And now the Senator from Illinois, Senator Paul Simon.

#### STATEMENT OF SENATOR PAUL SIMON

Senator SIMON. Thank you, Mr. Chairman.

First, if I may I would like to respond very briefly to my colleague from Alabama on the partisanship issue. I regret he is not here.

I do not think that the charge of excessive partisanship is a fair charge, frankly. Prior to the Supreme Court nominees, if my statistics are correct, 264 nominees appeared before this body. We have had roll calls on 4 of 264. And I might add that I voted with the President on one of those four where there were serious questions. The nominee who was held up longest from this administration was Judge Sporkin, held up by Senator Denton.

We welcome you here, Judge Scalia. Reference has been made frequently to your Italian heritage. But I think it is a healthy thing that the Supreme Court be a representative body. Just as when Justice Marshall was named, I think it was a healthy thing for our country. I welcome that. And there is no question of your ability to do the job.

I would like to follow up on a question which has been raised previously. Are we properly getting into views, or are we getting into things that we should not? Let me just read two paragraphs from a statement I made on the Senate floor in March:

There are two fundamental reasons that nominees legal views should not be altogether off limits to the Senate. One is that just as we know that nominee's competence and integrity will affect his views as a judge, we know that the nominee's individual views about legal matters will in some measure affect decisions the nominee makes as a judge. The reason is that judges inevitably have leeway. They must fill in gaps in the law and must resolve ambiguities about what the law is, and in doing so, a judge inevitably draws upon his or her starting point views and outlook. This is true of all judges, and it is especially true of Supreme Court Justices whose leeway in giving meaning to the majestic general commands of the Constitution is particularly great. They must resolve conflicts among lower courts on a daily basis.

The second reason a nominee's views may be relevant to the current Senate is that they were relevant to the President's own decision to nominate. As an active partner in the judicial appointment process, as the authority that must advise and consent to nominations in our systems of checks and balances, should the Senate evaluate any factor the President does? And if the President is trying to shape future judicial decisions by self-consciously nominating people with particular legal views, should the Senate, at least to some extent, consider whether those views are appropriate ones and good for the country?

I think that is our proper role, and I think Judge Scalia would agree that that is our role. I look forward to this process, and my impression is that you are going to come out of it well in terms of votes. But I think the process is an important one. And with all due respect to those who were critical of the hearings last week, I think they were healthy, good for the nominee, good for the Court, and good for our system.

I thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Simon.

And now Senator Arlen Specter of Pennsylvania.

#### STATEMENT OF SENATOR ARLEN SPECTER

Senator SPECTER. Thank you, Mr. Chairman.

Judge Scalia, I join my colleagues in welcoming you and your beautiful family to these proceedings.

The great thing about America is that it is a melting pot. I think it is about time that there was an American of Italian extraction sitting on the Court. In saying that, I do not want to express the final view, but what has been said here today has been very complimentary. Considering your outstanding record, even considering your law school was Harvard, you have brought an extraordinary