

NOMINATION OF JUDGE ANTONIN SCALIA

TUESDAY, AUGUST 5, 1986

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 11:02 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the committee) presiding.

Present: Senators Biden, Leahy, Laxalt, Specter, Heflin, McConnell, Metzenbaum, Kennedy, Hatch, Simon, DeConcini, Mathias, Grassley, Broyhill, Simpson, and Denton.

Staff present: Duke Short, chief investigator; Dennis Shedd, chief counsel and staff director; Frank Klonoski, investigator; Jack Mitchell, investigator; Melinda Koutsoumpas, chief clerk; Mark Gitenstein, minority chief counsel; Cindy Lebow, minority staff director; Reginald Govan, minority investigator; and Christopher J. Dunn, minority counsel.

STATEMENT OF CHAIRMAN STROM THURMOND

The CHAIRMAN. The committee will come to order.

This morning the committee begins its consideration of the nomination of Antonin Scalia to be Associate Justice of the Supreme Court of the United States. If Judge Scalia is confirmed, he will become the 106th person appointed to the Court.

Last week during the hearings on Chief Justice-Designate Rehnquist, I again described the qualities I believe are necessary for a member of the Court: integrity, courage, knowledge of the law, compassion, judicial temperament, and an understanding of and appreciation for the majesty of our system of government.

I believe Judge Scalia has these qualities. During his appearance before this committee 4 years ago, and during his tenure as a member of the U.S. Court of Appeals for the District of Columbia Circuit, Judge Scalia has always exhibited these qualities.

Judge Scalia has an outstanding educational and legal background. He was first in his class at Georgetown University and graduated magna cum laude from Harvard Law School, where he served as an editor of the Law Review. He has been involved in the private practice of law and has taught at the University of Virginia and University of Chicago Law Schools. Judge Scalia has also held important positions in Government. He has served as general counsel in the White House Office of Telecommunications Policy; as the assistant attorney general for the Office of Legal Counsel; and as chairman of the Administrative Conference. In August 1982, he

was appointed to the Court of Appeals for the District of Columbia Circuit, which many call the second highest court in this country.

A review of Judge Scalia's actions and record in these endeavors indicates he does possess the qualities to be a great Supreme Court Justice. In addition, those who have been associated with Judge Scalia throughout his life—even if they might disagree with him philosophically—consistently describe him as: A person who is open-minded, a consensus builder, and an individual with a keen intellect and sense of humor. These are unquestionably qualities we desire in a person who is to be elevated to the highest court in the land.

Finally, Judge Scalia is now cast in the role of a symbol. Certainly, he creates great pride by being the first Italian-American who will sit on the Court. However, he also serves as a symbol in an even larger context. Judge Scalia, a first-generation American and the son of an immigrant, has been chosen by the President to be a member of the Supreme Court. By dedication and hard work, Judge Scalia has reached the apex of his chosen profession and stands as proof of the vitality of the American dream.

Judge Scalia, we again welcome you to the committee, along with your wife, Maureen, and your family. And I believe eight of your nine children are here, are they not?

Judge SCALIA. Yes, Senator. I do not know what happened to the ninth. He is supposed to be here, too.

He is here. They are all here, Senator. I have a full house. I was worried about that.

The CHAIRMAN. We have several Senators here to introduce you too, and we will hear from them and then excuse them.

The senior Senator from Virginia, Senator Warner, in which State you reside.

STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WARNER. Thank you, Mr. Chairman and members of the committee. It is indeed a privilege to appear before this committee to represent and introduce this distinguished American who we are privileged to have as a resident of Virginia, together with his family.

I would like to emphasize that Judge Scalia has long been a distinguished citizen of the Commonwealth of Virginia. Indeed, his first teaching position was at my university, the University of Virginia Law School.

In 1982, President Reagan named Judge Scalia to the U.S. Circuit Court of Appeals for the District of Columbia. Since that time, Judge Scalia has proven himself to possess the qualities essential for success as a member of the Supreme Court.

He is respected by his colleagues as a brilliant legal scholar, as a man of impeccable ethics and integrity. Furthermore, Judge Scalia's judicial philosophy is rooted deeply in those strong principles upon which our Constitution was founded and existed these 200-plus years. He is a thoughtful, deliberate, gentlemanly scholar who has served throughout his public life with great distinction.