

in. Senator Moynihan is here, too. Would you mind giving them 3 minutes each?

Senator KENNEDY. I welcome my colleagues. I would like to hear from them.

The CHAIRMAN. Senator Domenici and Senator Moynihan, you all come around.

We took the Senators before we started opening rounds, but you were not here. We saved you time, and we will take you now for 3 minutes each.

We will put your full statements in the record, if you want to, and you can take 3 minutes to give the thrust of it.

Senator DOMENICI. Thank you very much, Mr Chairman.

Senator KENNEDY. If I could at the outset, we welcome Senator Domenici. We have had Senator D'Amato, and we have Judge Scalia who all come from a certain ethnic background. If this establishes a precedent, I want the Chair to understand we have 32 Irishmen in the Senate. When there is an Irish nominee, the agenda will be very filled. But we are delighted to have Senator Domenici here this morning.

#### STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Senator Kennedy, if that happens and I am up there, I would welcome all 32.

First of all, Mr. Chairman and members of the committee, I am not here to discuss Judge Scalia's legal abilities. Actually, he is lucky that I am not going to do that because I heard that he wrote the opinion striking down Gramm-Rudman-Hollings.

But in any event, this is a great day for me and I would not miss this unless you would not let me talk.

You are all aware of the litany of Antonin Scalia's successes all the way from graduated summa cum laude from Georgetown, magna cum laude from Harvard, graduate fellow at Harvard, associate with a prestigious law firm, law professor at four universities Assistant Attorney General, Judge of the U.S. Court of Appeals, and on and on and on. That is many lifetimes worth of achievement for most of us.

As a scholar and a judge, he has made many major contributions to our jurisprudence on administrative law, separation of powers, libel and slander law, and many other areas. And as I see it, he is now poised to proceed to the pinnacle of his profession.

It is a distinct pleasure for me to speak on his behalf because he is a personal friend. I have no doubt that you have read the wonderful tributes to him, which use terms such as articulate, energetic, gregarious, brilliant, intelligent, and quickwitted. They are there all the time whenever you read about him. But actually, Judge Scalia's nomination is meaningful to me for another reason. Judge Scalia is the first American of Italian extraction to be nominated to serve on the Supreme Court in the history of the republic.

I believe this is a magnificent tribute to the Italian-Americans of this Nation. Our President has repeatedly said that he will pick the very best men and women he can find to serve on this Court.

In this case, he has fulfilled that promise. Judge Scalia is the very best.

In this case, the best happens also to be an Italian American. There are millions of Italian Americans in this country, many of whom started with nothing, many of whom started with immigrant parents who may not have even spoken English, such as mine. Judge Scalia's father came here from Italy as a young man. His mother was the daughter of immigrants from Italy, also.

Obviously, it is with great pride that we witness one who shares our history and our traditions nominated to serve on the highest court of our Nation. Of course, Italian Americans are Americans first and last, and it is because we are Americans that we applaud a fellow Italian American's achievement of the American dream.

This is truly a success for Italian Americans and obviously a magnificent success for the American tradition. I have no doubt that Judge Scalia will serve with distinction on the Supreme Court and will make all Americans proud to call him one of their own.

I thank you very much for permitting me to testify on his behalf.

The CHAIRMAN. Thank you very much, Senator.

The distinguished Senator from New York.

#### STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. Mr. Chairman, I appear to express the satisfaction and, indeed, high expectation and gratification of another ethnic group in our country, which is to say the academics, for the appointment of Judge Scalia. He comes from a distinguished academic family. His father was a professor of romance languages at Brooklyn College. He himself graduated from Xavier High School in Manhattan and went on to Georgetown and then to Harvard.

He did practice law with great success for about 8 years, but thereupon went into the teaching of law which has been his avocation ever since.

Judge Scalia's nomination by President Reagan marks the first time a professor of law has been nominated to the Court since Wiley Rutledge was appointed in 1943 by Franklin D. Roosevelt. The last law professor to sit on the Court was Felix Frankfurter who President Roosevelt nominated in 1939. That is 47 years, sir, and 47 years between law professors is long enough.

And on that note, I would like to let you get on with these hearings.

The CHAIRMAN. Thank you very much, Senator.

Senator MOYNIHAN. May I say, also, expressing the appreciation of this member of the Finance Committee, over the years we have had more than one occasion when Judge Scalia has advised us, testified before us on constitutional issues regarding taxation. He invariably has been a source of counsel and guidance and good judgment, in our view, and I commend him to this honorable committee.

The CHAIRMAN. Thank you both for your presence and for your testimony. We will now hear from Senator Kennedy.