

The American Bar Association has found that Judge Scalia meets the highest standard of professional competence, judicial temperament, and integrity. I am pleased to concur that he is indeed among the best available candidates for consideration. Judge Scalia comes to us from the D.C. Court of Appeals with an outstanding reputation. He frequently writes his own opinions without the aid of the first draft prepared by a clerk. He prepares extensively for his oral arguments, writing his briefs himself. He is clearly a man who will make his presence felt on the Supreme Court. He is a hard worker, but one who is personable. He has a great number of friends across the political spectrum of this town, and I am sure in each community that he has lived in.

I take pride as an Italian American in noting Judge Scalia's heritage. In this year that our country has shown so much pride in celebrating the 100th anniversary of the Statue of Liberty, we can take note of the contribution of Judge Scalia, the son of an Italian immigrant.

He is but another example of immigrants who have risen to outstanding positions in our Government and served in the judiciary.

As a first generation Italian American, Judge Scalia demonstrated that the rapid assimilation of immigrants pumps strength and vitality into this great Nation.

I wish to join my colleagues in extending a warm welcome to you, Judge Scalia. Regardless of your personal opinions on the operation of this branch of Government, I hope you look forward, as I do, to these hearings. There will be some tough questions asked of you and I am sure you will meet those questions head on, as you have in your past life, but I believe that you are eminently qualified for this position and will serve this country well. Thank you, Mr. Chairman.

Senator MATHIAS. Thank you, Senator DeConcini. The distinguished Senator from Wyoming.

STATEMENT OF SENATOR ALAN K. SIMPSON

Senator SIMPSON. Well, welcome to "the pit." I am privileged to welcome you here, and your fine wife and family. This is our role of advice and consent, a function we perform which is of great import and significance. I very much enjoyed my visit with you prior to these proceedings. I have come to have great respect for you when you appeared before this committee in 1982.

I will not go on to relate your extraordinary background, which is most impressive to me. Your decisions are most impressive. I have actually read some of those, and it is marvelous—the way you have that ability to bring that remarkable brilliance to a form where the common person can understand. That is what the law is all about. What good are we as lawyers or judges if the things we do for our clients, or for a case, cannot even be understood?

So I am impressed by that. Well, I would just share with you, that I missed a day or two of the action last week while I was marrying off the oldest son, and I assume that you have been watching the attempt at evisceration of William Rehnquist. The "great hunters" have been out to tack the "pelt" of Bill Rehnquist on the wall of the den. Quite an exercise. It is like that old Clint Eastwood

movie, "The Good, the Bad, and the Ugly," and it was, and it is. I will be curious to see how tough, and ringy, and red faced we can get, to point and posture and pontificate, ruffle up like a sage chicken, and even take a shot at the poor old Alfalfa Club. That is named after the plant that sends its roots deepest for liquid refreshment. Thus the name.

That is Alfalfa Club, a patriotic and fun-filled evening which is held once a year, and attended by every President for nearly 80 years.

So that is what is so very frustrating for me, because these are my friends here on this panel, Democrats and Republicans alike. I admire, I respect them, and enjoy them, regardless of their ideology, and we have broken bread together.

None of them are perfect, I can assure you. I am not perfect, I can assure you. Then why the ritual? The known human frailties that beset us all, just the known ones, are enough to confound us and confuse us in our own lives. The unknown ones we do worse with. Who appointed us the scorekeepers? Who appointed us the judge? Who writes the exams here? And who grades them?

Those roles are all self-appointed here. Well, we certainly washed all the laundry on Bill Rehnquist. I assume we will do that with you. And yet not one of us, not one of us up here would want to sit right there at that table. We could not pass the test. We could not stand the heat. It is easier up here. Here we can brag and bluster, and blather, and, almost like a comic book character, you could invent "Captain Bombast," pull the cape around the shoulders, and shout the magic words, "Get him," and rise above it all in a blast of hot air.

Now that is what we see. It is funny, but it really is not very funny at all. Human beings are involved, real families, and real hurt are out there. In the real world here we see the inquisitors, and the accused—and that is the word I wish to use—not Presidential nominee. The accused.

How can we demand perfection of others, now, or in the past, when we do not have that in ourselves? How can we expect perfection in legislating, or in judging on a court, or in the world of business, or sports, or assembly lines, any task, when we do not have it in our own lives. Well, not me. I have flunked out on perfection.

I can tell you an awful lot about my imperfections but not much about the "perfect Simpson." And so we have listened, and I do not know what the "mixed bag" will be for you, but it will be curious.

But we have listened before in the Rehnquist hearings to ballot security, in days, when you were, by law, to ask people if they could read the Constitution of the United States before they could vote. That may be harassment in some other State. In Wyoming it was the law—repugnant, bad law, but the law. Memos of a young law clerk, memos of a young lawyer, memos to a judge, memos that fit, memos that did not fit. Memos and decisions that were made, were ill-considered, ill-advised, or a little dumb, or dull. Restrictive covenants contained in deeds on my family home in Cody, WY, in 1931 or yours, somewhere along the line. That is the way they used to do their tricks in those days, repugnant, unconstitutional, disgusting, but there. Or the home of every one of us, or our parents, or our grandparents, how fascinating. Stonewalling, wiretapping,

"coverup." Lord sake, there is not one of us here at this table that has not dabbled in all that mystery.

And then the documents of a confidential nature, a sinister connotation that documents—about documents—that have never been released under any administration.

Well, enough. Three sitting Members, though, of this U.S. Senate, right now, voted against the sweeping Civil Rights Act of 1964. Do we keep score on them? Do we let them know we will never forgive? They changed, they listened, they adopted, they adapted, and they learned. Don't others get that leeway in this particular arena?

Oh, I tell you I can hear it now: "Oh, Simpson, you old silly. There is a higher standard here for the Attorney General or for the Supreme Court, or for the Federal district court. There is a nobler and higher yardstick for the Chief Justice or the Justice." Or for any Presidential appointee. Well, what bosh and twaddle that is. What arrogance that is, true arrogance. A higher standard than that for a U.S. Senator, a proud office we all cherish and lusted after, and try to honor? Just because we get elected? Well, we have a word for all that in Wyoming. It is succinct, scatological, and searing when it is said in the proper Western twang. What a spectacle it is, and some of it is planned for you, sir.

So, dig in and keep your fine humor. Tell them you did play the piano, and they will likely ask you where, and when, and whether the place was properly licensed, or were there girls there.

But through all the heavy guff that you will get, just recall that all of us, every single one of us right here, sitting here now, or outside, and me, too, who are your inquisitors, have already flunked the real test.

The real full and mature test of a full life lived, and, none of us, now, could, or would, or did, escape the barrel of the weapon turned back in our face.

I think it was stated rather simply in an old and powerful, and never outdated classic by a chap named John—whose last name escapes me at this time—who said: "He that is without sin among you, let him first cast a stone."

It seems fair, doesn't it? Well, we shall see. It sure has not happened yet. America knows it and they are galled by it, and they are offended. Thank you.

The CHAIRMAN. The distinguished Senator from Vermont.

STATEMENT OF SENATOR PATRICK J. LEAHY

Senator LEAHY. Thank you, Mr. Chairman. I compliment the Senator from Wyoming in giving his typically long, eminently quotable, and highly entertaining statement, but it was a statement to ask one question: Who appoints us to ask these questions? The answer of course is simple: the Constitution appoints us. And it is a constitutional duty that I think all of us, Republicans and Democrats, take very, very seriously.

We will in your hearing, as we did in the ongoing Justice Rehnquist matter, and I suspect that next month, and next year, and 10 years from now, and 30 years from now, and 100 years from now,