

Bar Association. In 1982, President Reagan appointed him to the U.S. Court of Appeals for the District of Columbia Circuit, considered by many to be the preeminent circuit court in the Nation. He has served on that court with distinction since then. That is many lifetimes worth of achievement for most of us.

Judge Scalia is a man of outstanding intellectual abilities. Anybody who doubts that should go look at the copies of the Federal Reporter which contain his legal opinions. As a scholar and a judge, he has made many contributions to our jurisprudence on administrative law, separation of powers, libel and slander law, and many other areas. Judge Scalia, by all accounts, is well respected by his colleagues on the bench. He is a legal scholar with few equals and has served very capably on the court of appeals.

In sum, Judge Scalia is eminently qualified for the position for which he has been nominated. He has had a distinguished career so far, and now he is properly poised to proceed to the pinnacle of his profession.

I know that some Members of this body have strong ideological differences with Judge Scalia. I respect them for that. It is heartening to see, however, that the Members of this body realize that the vote on this nomination should rest on whether Judge Scalia is qualified, not whether a majority of this body agrees or disagrees with his personal philosophy.

Under the Constitution, the Senate has the duty to offer "advice and consent" on judicial nominees. Congress must scrutinize the nominee to determine whether he or she possesses the qualities that the people have a right to expect in judges. Congress, however, must respect a President's right to appoint qualified persons to the judiciary.

There is an important reason for the Senate to respect the President's choices of qualified judicial nominees. Our constitutional system is a marvelous set of checks and balances. One of the checks on the power of the judiciary is power of the President to appoint men and women who share his vision of the nature of our society and the role of Government.

As long as a nominee is otherwise qualified, the nominee's personal philosophy should not be a consideration unless that philosophy undermines the fundamental principles of our constitutional system or the nominee's dedication to his or her ideological principles is so strong that he or she cannot be an impartial judge. In the absence of such concerns, the Senate must respect the right of a President to nominate qualified candidates of his choosing.

The evidence of Judge Scalia's commitment to our constitutional system and his ability to judge impartially is

abundantly clear from his tenure on the court of appeals. His personal ideology, therefore, should play no role in our decision on whether to confirm him.

I would also like to add that it is a distinct pleasure for me to speak on Judge Scalia's behalf because he is a personal friend. I'm sure my colleagues have read the wonderful tributes to Judge Scalia. Every time you read one of these, you see terms such as articulate, energetic, gregarious, intelligent, and quick-witted. I can assure you that these descriptions are 100 percent accurate.

Judge Scalia's nomination is meaningful to me for another reason, as he is the first American of Italian extraction to be nominated to serve on the Supreme Court. This is a magnificent symbol to the Italian-Americans of this Nation that they truly can share in all that this great country has to offer.

President Reagan has repeatedly said that he will pick the very best men and women he can find to serve on our Nation's courts. In this case, he has fulfilled that promise. Judge Scalia is the very best.

In this case, the best also happens to be of Italian extraction. Judge Scalia's father came here from Italy as a young man. His mother also was the daughter of immigrants from Italy. 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 been able to read or write English, such as mine.

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 the Nation. Of course, Italian-Americans are Americans first and last. 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.

Mr. President, a nominee for Supreme Court Justice of the United States must possess the highest standards of integrity, ethics, and commitment to the cause of justice. He or she must be an individual of proven ability and judgment. Judge Scalia has been thoroughly examined to determine whether he possesses these qualities, and he has not been found wanting. I, therefore, wholeheartedly support this nomination and urge my colleagues to do the same.

I thank the Chair.

Mr. DOLE. This will be the last vote this evening.

The PRESIDING OFFICER. Are there any other Senators desiring to be heard on this matter?

If not, the question is, "Shall the Senate advise and consent to the nomination of Antonin Scalia to be Associate Justice of the Supreme Court of the United States?"

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. GARN] would each vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—98

Abdnor	Gore	Metzenbaum
Andrews	Gorton	Mitchell
Armstrong	Gramm	Moynihan
Baucus	Grassley	Murkowski
Bentsen	Harkin	Nickles
Biden	Hart	Nunn
Bingaman	Hatch	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Proxmire
Broyhill	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Helms	Riegle
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Roth
Chiles	Inouye	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kasten	Simon
D'Amato	Kennedy	Simpson
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
Evans	Mattingly	Weicker
Exon	McClure	Wilson
Ford	McConnell	Zorinsky
Glenn	Melcher	

NOT VOTING—2

Garn Goldwater

So the nomination was confirmed.

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Mr. THURMOND. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was JIC TGGd to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has confirmed the nominations of Chief Justice Rehnquist and Justice Scalia.

The PRESIDING OFFICER. Without objection, it is so ordered.