

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I think it was stated rather simply in an old and powerful, and never outdated classic by a chap named John—whose last name escapes me at this time—who said: "He that is without sin among you, let him first cast a stone."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

the Senate Judiciary Committee will be doing it in further such hearings.

The Constitution requires it, we take an oath of office to uphold the Constitution, and I think each one of us will have to answer to ourselves, are we doing our best to uphold the Constitution, just as you take a similar oath. And I am sure you ask yourself the same questions every time you write a decision.

Senator Kennedy has commented that we want, indeed would like to have some time when we have an Irish nominee. I would say, Judge Scalia, my mother's family came here from Italy, and we are very, very proud of that. They came as stonecutters. My Italian ancestry is a source of pride to me, and it is a source of pride to my family.

I know how hard they worked as immigrants, stonecutters in Vermont. Ironically enough, my Irish grandfather was also a stonecutter in Vermont at the same time.

I would say also, welcome, to your children. I would assume, in reading Mrs. Scalia's maiden name, that your children have really the "best of all possible worlds"—an Italian parent and an Irish parent.

If you follow the tradition around here, whichever one of you reaches 34 first should be a Member of the U.S. Senate. That is the way it works in Vermont, and I would hope that it might work that well for you. I would also join with what Senator Metzenbaum said earlier. You also have young children, and I know it is a source of pride to you, and should be a source of pride to you to have all your children here, and I am sure it is a source of pride to them, to see their father nominated for what has to be one of the highest offices to be held in this land.

But none of us would take it amiss—and I direct this also to Mrs. Scalia—if any of the children get tired, and want a chance to go elsewhere—and I am sure that any one of the Senators on here would be willing to offer their office—I certainly would not mind—for a place for the children to take a break.

Just so that you will know, the areas—and you and I have discussed this before—but I will go into questions on your work as an Assistant Attorney General in the Office of Legal Counsel. We will probably be discussing your views on the Freedom of Information Act, and openness in Government.

Your philosophy about opening the Federal courts to litigants suing the Government, and especially with regard to interpretation of such a concept as standing and sovereign immunity, and the standards you would apply in recusing yourself from cases.

I too have been extremely impressed by your impressive background, scholastic background, just as I was impressed very much by the scholastic and academic background of Justice Rehnquist.

I think as you will find in these, that our questions will be pertinent, to the point, and I would assume that you see your meeting here as not stepping into a "pit," but rather, fulfilling one of the highest obligations under our Constitution, both for you and for us.

Thank you, Mr. Chairman.

The CHAIRMAN. The distinguished Senator from Alabama.