CONGRESSIONAL RECORD—SENATE

September 17, 1986

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered. Mr. DOLE addressed the Chair.

Mr. DOLE. Let me announce that I think we want to give a little warning to Members who may be scattered about. We are about to vote on the Rehnquist nomination.

Following the vote on the Rehnquist nomination, we will take up the Scalia nomination. I do not believe that will take any great deal of time. There will be a rollcall vote on that yet this evening. Then we will either go back to product liability, or to reconciliation. It is a 20-hour time agreement on reconciliation. That should be of some encouragement. But we will not try to finish it this evening.

So let me just suggest the absence of a quorum for a minute or two.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

There being no further debate, the question is, Will the Senate advise and consent to the nomination of William Rehnquist, of Virginia, to be Chief Justice of the United States of America?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The 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 vote "aye."

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

The result was announced—yeas 65, nays 33, as follows:

(Rollcall Vote No. 266 EX.)

YEAS—65

Abdorn
Andres
Armstrong
Bentzen
Boren
Brechitsa
Brynhill
Bumpers
Chafee
Chiles
Cochran
Cole
D’Amato
Danforth
DeConcini
Dent
Dixon
Dole

Demetri
Durenberger
Durenberger
Ford
Gorton
Grassley
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heinlein
Heinlein
Heinlein
Heinlein
Hollings
Humphrey
Johnson
Karbaum

Kasten
Laxalt
Lugar
Matttingly
McCoy
McClellan
McDonnell
Markwarth
Markwarth
Nunn
Packwood
Proxmire
Proxmire
Pryor
Quayle
Roth
Saxman
Simpson

NAYS—33

Baucus
Biden
Bingaman
Bradley
Burkett
Byrd
Cranston
Dodd
Eggerton
Exon
Glen

Gore
Harkin
Inouye
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Welch

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 agreed to.

Mr. BIDEN. Mr. President, I congratulate the Senator from South Carolina and the supporters of Justice Rehnquist. I hope that all that some of us fear of him does not come to fruition. I wish him well on the Court. I am anxious to get to our next Supreme Court nominee.

The PRESIDING OFFICER. The Senate will come to order. Senators are asked to take their seats, and Senators engaged in conversations are asked to retire to the cloakroom.

THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the nomination of Antonin Scalia to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination?

There being no objection, the Senate proceeded to consider the nomination.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. That is an appropriate request. The Senate is not in order. The Senate will be in order. The hour is late, and the matter before us is important. Senators are asked to be in order. Those Senators who wish to confer are asked to retire to the Cloakroom. Those Senators ambling about the Chamber are asked to take their seats or retire to the cloakroom. Staff members on the Republican side and the Democratic side are asked to be silent.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for President Reagan’s nomination of Judge Antonin Scalia to be Associate Justice of the U.S. Supreme Court. Judge Scalia is eminently qualified. In 1957, Judge Scalia graduated summa cum laude and No. 1 in his class from Georgetown University. In 1960, he graduated magna cum laude from Harvard Law School. While at Harvard he was the note editor of the Harvard Law Review and a Sheldon fellow.

Judge Scalia practiced law with the prestigious firm of Jones, Day, Cock ley, & Reavis in Cleveland, OH, from 1961 to 1967. He then embarked on a career as a law professor at the University of Virginia Law School. In 1971, he was appointed general counsel of the Office of Telecommunications Policy, Executive Office of the President. He was appointed Chairman of the Administrative Conference of the United States in 1972. During the period 1974-77, he served as the Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice.

Following his Government service, Judge Scalia again returned to the academic arena. In 1977, he was a professor of law at the University of Chicago Law School. He was also a visiting professor of law at Georgetown Law School, and scholar in residence with the American Enterprise Institute. In 1980 and 1981, he was a visiting professor of law at Stanford University Law School.

Among his many other achievements, Judge Scalia has served as the editor of Regulation magazine. He was chairman of the American Bar Association’s Section of Administrative Law, as well as chairman of the ABA’s Conference of Section Chairmen. He also served on the board of visitors of the J. Reuben Clark Law School of Brigham Young University.

In August 1982, Judge Scalia was confirmed by the Senate for the position of circuit judge for the U.S. Court of Appeals for the District of Columbia Circuit. He has served with distinction in that capacity since that time.

Judge Scalia’s nomination to be an Associate Justice of the Supreme Court was received by the Senate on June 24, 1986, and was reported out of committee favorably on August 14, 1986, by a unanimous vote of 18 years. The Committee on the Judiciary held 7 days of hearings on the nomination. The nominee was questioned by members of the committee and testimony was heard from 25 witnesses.

A number of very prominent individuals testified in support of Judge Scalia, including Carla Hills, the former Secretary of Housing and Urban Development; Erwin Griswold, former Solicitor General of the United States and former dean of Harvard