Statement of Jack White
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before the Senate Committee on the Judiciary

Hearing on the Nomination of Samuel A. Alito, Jr.
January 12, 2006

Mr. Chairman, Senator Leahy and Members of the Committee. Thank you for the opportunity to testify today. My name is Jack White. I am an Associate in the law firm of Kirkland & Ellis LLP. I am here today in support of the confirmation of Judge Alito, to be the next Associate Justice on the United States Supreme Court. I served as a law clerk for Judge Alito on the U.S. Court of Appeals for the Third Circuit from 2003 to 2004.

To provide context for my comments, I would like to share some personal information about myself. I am the son of African-American parents who were born in the segregated south. Their respect for the recognition of civil liberties that have enabled them to succeed and raise principled children has inculcated the same respect in me. This respect has led me to become a member of the NAACP and the ACLU. The same respect for our freedoms encouraged me to serve our country on Active Duty as an officer in the United States Army, and I continue to serve as a Captain in the United States Army Reserve. I have also served as a minister in Savannah, Georgia.

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My first opportunity to meet Judge Alito introduced me to his diligence and sense of duty. The remainder of my interactions with him have verified my initial impressions. I met Judge Alito in his chambers a few weeks after the September 11, 2001 tragedy. As the Adjutant and a Company Commander in a Reserve Reception Battalion in Pasadena, California, I had difficulty getting authorization to travel to New Jersey for a job interview. Notwithstanding Judge Alito's assurances that I did not need to travel to meet him face to face, as an ambitious law student, I was determined to do so. When I arrived in Newark, New Jersey, at the U.S. Post Office and Courthouse where Judge Alito's chambers are located, he and the security guards were the only people there. It was a holiday, no clerks were working, no other employees in the building were working, but Judge Alito was steadily preparing for an upcoming sitting. Yet, he took the time to tell me how he prepared for oral arguments and what he required of his law clerks in contributing to the decision-making process. Then, he took the time to tour his chambers and the courthouse with me.

As I clerked for Judge Alito, I saw this same sense of duty, diligence, humanity, and respect for his role as a federal appellate judge. Judge Alito required searching analysis of the factual and procedural background of every case. He required thorough evaluation of the applicable law in every case. And, he uniformly applied the applicable law to the facts of every case. Judge Alito recognized that every case was the most important case on the docket to the parties and attorneys with something at stake. There was no wavering from this consistent, predictable method of his judicial decision-making

process. Working for Judge Alito, I saw in him an abiding loyalty to a fair judicial process as opposed to an enslaved inclination toward a political or personal ideology.

What I found most intriguing and particularly exceptional about Judge Alito's judicial decision-making process was the conspicuous absence of personal predilections. As a novice recent law school graduate, I incorrectly began the time I spent in Judge Alito's chambers by occasionally coming to conclusions about a case after a cursory review of the briefs. I quickly learned that Judge Alito had no tolerance for any recommendation that was not consistent with a searching review of the law. I never witnessed an occasion when personal or ideological beliefs motivated a specific outcome in a case. After a year of working closely with the judge on cases concerning a wide variety of legal issues, I left New Jersey not knowing Judge Alito's personal beliefs on any of them. The reason I did not know Judge Alito's personal beliefs was that the jurist's ideology was never an issue in any case he considered while I was in his chambers. In fact, it is never an issue in any case. My fellow former co-clerks have agreed and communicated this notion in a letter we provided to this committee.

Although Judge Alito's sense of duty, diligence, and the decision-making process have inspired the collective support of his former law clerks, there is an additional characteristic that also heavily impressed me personally. On a daily basis, Judge Alito dealt with a wide variety of individuals, including law clerks, fellow judges, experienced and inexperienced attorneys, UPS delivery personnel, law students, janitorial staff, and

individuals throughout the community. Without fail, I saw Judge Alito treat everyone with dignity and respect. In fact, on one occasion, my parents went to New Jersey to visit me. Judge Alito suggested that I bring them to chambers. Because oral arguments in several cases were rapidly approaching, I thought Judge Alito would shake their hands and we would be on our way. Over an hour later, after sitting down and talking with Judge Alito, my parents understood my tremendous respect for this jurist. That day, my parents left Judge Alito's chambers believing that meeting them was the highlight of Judge Alito's day.

Working for Judge Alito provided me with the opportunity to witness American justice at work. I saw a jurist with an abiding respect for the strength, purpose, and authority of our Constitution, and a particular regard for the limited role of the judiciary envisioned in the framers' separation of powers. From my experience, I will feel confident with Judge Alito serving as an Associate Justice on the U.S. Supreme Court, interpreting laws that affect me. It was my honor and privilege to clerk for him, and it is my honor to appear here on his behalf.

I would be pleased to answer any questions you may have.