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Hearing on the Nomination of Samuel A. Alito, Jr.

Mr. Chairman and Members of the Committee. I appreciate the opportunity to appear here today to testify in support of the nomination of Judge Samuel Alito. I am a former Chief of the Appeals Division at the U.S. Attorney's Office for the District of New Jersey, and for the past eleven years I have practiced as a federal criminal defense attorney in Northern New Jersey. At this point in these proceedings, I am sure there is little need to provide further comment concerning Judge Alito's legal acumen and outstanding accomplishments. However, I hope that the Committee may find it useful to hear the insights and observations of someone who worked closely with Judge Alito during the period that he served as U.S. Attorney for the District of New Jersey.

I first met Judge Alito when I joined the U.S. Attorney's Office in 1980. At that time, he was laboring in the Appeals Division and I was in the Frauds Division. As a rookie, I quickly learned that if I ran into a particularly thorny legal or procedural problem, the most knowledgeable and approachable person to consult was Sam Alito. Although he soon left for the Solicitor General's Office, he returned in 1987 as United States

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Attorney. Shortly after his arrival, he began selecting the supervisory staff who would assist him during his tenure, and after reviewing my work in the Appeals Division, he asked me to serve as Chief of Appeals. This was particularly meaningful to me for two reasons. First, Judge Alito's estimable reputation as an appellate and Supreme Court advocate had preceded him, and the importance that he placed upon the appellate process was well-known. Second, in 1987, it was still unusual for women to be elevated to positions of authority in either government or private offices, and I was gratified to see that Judge Alito's appointments were based on merit, not gender.

As a member of the supervisory staff, I met frequently with Judge Alito, sometimes alone but usually with other division chiefs, to discuss ongoing significant criminal prosecutions, appeals and investigative initiatives. During these meetings he openly invited the thoughts and input of everyone, asking subtle questions to guide the discussion to areas where he had concerns. Although it was clear that in the end he would make up his own mind, it was equally clear that there was no danger in advocating a position that he might ultimately reject. His goal was to get as much information as possible so that his decisions could be firmly grounded in a comprehensive understanding of the law and the facts.

Consistent with this approach, his stewardship of the office was grounded in a quiet confidence; his decisions and actions were measured and thoughtful – never impulsive or purely reactive. Although it is possible for U.S. Attorneys to use their offices as showcases for themselves and their further aspirations, to enjoy and employ the limelight, this was never Judge Alito's way. It was always the work, not the image, that came first.

It is a well-known motto of federal prosecutors – one most often heard on those occasions when they suffer a defeat – that "the United States wins when justice is done." Under the leadership of Judge Alito, that was more than a catch-phrase - it was the office policy. Judge Alito expected the Assistants in his office to work hard to achieve and preserve convictions where the evidence supported guilt, but he also demanded that they remain ever mindful of the very great power they wielded as federal prosecutors and the need to use that power with appropriate discretion. Based on my experience in that office, I am confident that Judge Alito would approach the power of being on the Supreme Court with an equal if not heightened sense of responsibility and care.

As I noted earlier, I am presently a criminal defense attorney, and I am also a life-long Democrat. As such, I might be expected to have concerns about Judge Alito's nomination because of his admittedly more

conservative political views. However, in supporting his nomination, I am actually representative of a large number of former colleagues of Judge Alito of all political stripes who support his nomination because they know first-hand what kind of man he is. Those of us who know him know that he is not an ideologue and that he does not use his position to pursue personal agendas. We have seen his profound respect for the law and precedent, and his unfailingly respect for all participants in the criminal justice system, prosecutor, defense counsel and defendant alike. We know him to be a man of unquestionable ability and integrity, one who has approaches each case in an open-minded way, seeking to apply the law fairly.

The appointment of Sandra Day O'Connor to the Supreme Court in 1981 was an event of special importance to me. At the time I thought that the most significant fact was that she was the first woman on the Court – and of course, that was truly ground-breaking. But in time I have come to appreciate that, more than her gender, it is her extraordinary mixture of character and intellect that has most profited our country. As a person of both great character and great intellect, Samuel Alito would be a worthy successor to Justice O'Connor. I hope that he will be speedily confirmed.