

person. You decide cases not to reach the result that you would like, but based on what the facts and the law command. What you decide as a judge are not general principles, but the case in front of you. You do it as narrowly as possible. That is what Sam Alito always does, with great respect for precedent. Sam Alito has been faithful to that judicial oath.

Now, my final point relates to another facet of his approach to the law, and the best calipers that I could find to measure his approach to the law was to compare it with my own. I have been a Federal judge for 35 years, one week and one day. My opinions would fill many book shelves, but I think that I am fairly viewed as a mainstream or centrist judge.

A computer survey run by our court librarian received 1,050 opinions in cases on which Sam Alito and I sat together. In these cases, we disagreed 27 times, which is probably about the same number that I would have disagreed with most other colleagues. Some cases turned on a reading of the record, others on how rigorously or flexibly we interpreted the reach of a statutory or constitutional provision or a State court's jurisprudence, or applied our usually deferential standard of review. But in every case on which we differed, Sam's position was closely reasoned and supportable either by the record or by his interpretation of the law, or both.

The short of it, members of the Committee, is that Sam Alito is a superb judge in terms of temperament, integrity and intellect, and he has exhibited a careful, temperate, case-by-case approach to the law.

Thank you for the opportunity to address you.

[The prepared statement of Judge Becker appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Judge Becker. We now turn to Chief Judge Anthony Scirica, who, like Judge Becker, has known Judge Alito on the Third Circuit for the 15 years of Judge Alito's service there. Judge Scirica became Chief Judge in May of 2003, succeeding Chief Judge Edward Becker.

Judge Scirica has a bachelor's degree from Wesleyan, 1962; Michigan Law School, 1965; appointed to the district court by President Reagan in 1984, and to the circuit court also by President Reagan in 1987.

Thank you very much for coming in, Judge Scirica, and we look forward to your testimony.

STATEMENT OF ANTHONY J. SCIRICA, CHIEF JUDGE, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, PHILADELPHIA, PENNSYLVANIA

Judge SCIRICA. Mr. Chairman, thank you very much. For the last 15 years, I have worked with Judge Alito. For 15 years, we have decided thousands of cases while serving on the same court of appeals. On most cases, we have agreed, but not always. Judges don't always agree on every case.

As the Chief Justice remarked last summer, much like a baseball umpire, a judge calls balls and strikes. If the pitch is down the middle or way outside, the call is straightforward, but many pitches are on the corners and then the calls are difficult. These