

In 1987, Judge Alito returned home to New Jersey after President Reagan appointed him U.S. Attorney for the District of New Jersey. He was a strong prosecutor, and nobody was surprised when President George H.W. Bush appointed him to the Third Circuit Court in 1990, and I had the privilege of introducing him then as well.

Judge Alito's accomplishments in life are the embodiment of the American dream. I am honored today to introduce him to the Committee. He is a young man. If the Senate confirms him for a lifetime appointment to the Supreme Court, he could serve for three decades, or even longer, especially judging it from my point of view. His decisions would affect our rights, the rights of our children, our grandchildren, and other future generations.

Mr. Chairman, you know well it is the job of this Committee to evaluate Judge Alito's qualifications and fitness for the Court, including his views on legal issues. And I know every member of the Committee takes that obligation seriously, and I trust that Judge Alito will be forthcoming and cooperative in this process. I have had a chance to meet him. I know that he responded to the questions that I put to him. Maybe they were too easy, but he responded very well to them.

I thank you, Mr. Chairman. I am pleased to be here with our former Governor, Christie Whitman, and we haven't sat at a table together for a long time, but it is a good opportunity to do so.

Thank you.

Chairman SPECTER. Senator Lautenberg, do you care to make a recommendation on the nominee?

Senator LAUTENBERG. I care to present the evidence, just the evidence, Mr. Chairman, and we will let the record speak for itself.

Chairman SPECTER. Our next presenter is Governor Whitman, distinguished two-term Governor for the State of New Jersey, and in the Cabinet of President Bush as Administrator of the Environmental Protection Agency.

We welcome you here, Governor Whitman, and look forward to your testimony.

**PRESENTATION OF SAMUEL A. ALITO, JR., OF NEW JERSEY,  
NOMINEE TO BE AN ASSOCIATE JUSTICE OF THE SUPREME  
COURT OF THE UNITED STATES, BY CHRISTINE TODD WHIT-  
MAN, FORMER GOVERNOR OF NEW JERSEY, AND FORMER  
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION  
AGENCY**

Governor WHITMAN. Thank you, Mr. Chairman. It is a pleasure to be here today with Senator Lautenberg to introduce Judge Samuel A. Alito, Jr., and I do urge your support for his nomination to the Supreme Court.

I won't go into his family background. Senator Lautenberg has done that—save to mention one member of the family that he didn't, which is that the Judge's sister, Rosemary, is a nationally recognized employment attorney and someone who is recognized as part of a family that has devoted itself to public service and continues to do that.

Judge Alito personifies the motto of the civic pride embodied in the slogan of his hometown, "Trenton makes, the world takes." And with the consent of the Senate, one of the most important bodies in the world, the U.S. Supreme Court, can take a proud product of Trenton, New Jersey, into their chambers.

But I am not here to discuss Judge Alito's family background or his State ties. I am here to discuss his own history of achievement and his potential to be a great Associate Justice of our Supreme Court.

Sam Alito has excelled at everything he has undertaken. He was an exceptional student at Princeton University and Yale Law School, an outstanding young attorney at the Justice Department, an accomplished United States Attorney, and for the past 15 years has been a respected and exemplary Federal Appeals Court Judge.

The American Bar Association just gave him their highest rating for his seat as Justice, and in his past two appearances before the Senate for confirmation, he has received unanimous support.

There is, however, more to my support of Judge Alito. Like other Americans, I have read many articles dissecting positions Judge Alito has taken throughout his career, trying to discern how he might decide on issues likely to appear before the Supreme Court that he would confront as a Justice. I too have examined the record. In the final analysis, my decision to support Judge Alito for this position is not based on whether I agree with him on a particular issue or set of issues or on his conformity with any particular political ideology. In fact, while we may agree on some political issues, I know there are others on which we disagree. Nevertheless, one's agreement or disagreement on a political question is, after all, ultimately irrelevant to the issue of whether or not Judge Alito should serve as an Associate Justice of the Supreme Court.

The Court's role is not to rule based on Justices' personal persuasions, rather on persuasive arguments grounded on fact, those facts presented in that particular case, and on their interpretation of the Constitution. Those decisions are, of course, grounded in the hard reality of disputed fact and the messiness of the real world, but they are also guided by principles of law and justice which have long been treasured by the people of this country. We should look for Justices who understand that instinctively in the very core of their being. I saw this trait in Judge Alito when he served on the Appeals Court during my terms as Governor, and I have every reason and every confidence that he will exhibit the same as a Supreme Court Justice.

Policy in the United States is defined through the laws crafted by the legislative branch of Government and carried out by the executive. Our judges make decisions based on their interpretation of the intent of those laws. We do not want Justices to conform their decisions' ideologies. We do want Justices whose opinions are shaped by the facts before them and by their understanding of the Constitution. We should also look for Justices who possess the necessary qualities of intellect and humility, desirable in those with great responsibility and who can express their thinking clearly and in understandable language. While we should expect the Justices will hold philosophies that will guide their decisions, we should

equally expect that they will not hold ideologies that will predetermine their decisions. That is the genius of our system.

Mr. Chairman, some have suggested that Judge Alito has an ideological agenda. I believe that an honest and complete review of his record as a whole will find that his only agenda is fidelity to his judicial craft. If Judge Alito has a bias, it is in favor of narrowly drawn opinions that respect precedent and reflect the facts before him.

Members of the Committee, yours is an extraordinary responsibility. Decisions by our Supreme Court will affect the lives of Americans for generations to come. As politicians, whether current or retired, we all have deeply held positions we want to protect. When I was Governor, it fell to me five times to appoint members of the New Jersey State Supreme Court. One thing that experience taught me was that it is virtually impossible to find judges who will act as you would act were you in their position. That is as it should be. Your responsibility is to the extent possible to determine whether or not the nominee before you has the legal background, intelligence and integrity to be a credit to the Court.

Sam Alito has been a model as a Federal Appeals Court Judge. He has shown that he has the intellect, the experience and the temperament to serve with true distinction. I have every confidence he will be a balanced, fair and thoughtful Justice. I urge this Committee to favorably report his nomination to the U.S. Senate.

Thank you very much.

Chairman SPECTER. Thank you very much, Governor Whitman.

Without objection, the statement of Senator Corzine will be made a part of the record.

We appreciate your coming, Senator Lautenberg, appreciate your coming Governor Whitman.

Judge Alito, if you will resume center stage. Judge, you can remain standing. We now come to the formal swearing in of the nominee. I count 41 cameras in the well.

[Laughter.]

Chairman SPECTER. And there are just behind you, a grouping of cameras, seven in number, and I see three more. So you are well up to 50, which exceeds the number present, only 28, for Chief Justice Roberts. So that may be an omen. I am stalling for time a little bit here to allow the photographers to position themselves. They have sat, if not patiently, impatiently, all day. We may move the swearing in to the beginning of the ceremony in the future so they can all go out and do something productive.

[Laughter.]

Chairman SPECTER. If you would raise your right hand, do you solemnly swear that the testimony you will give before the Committee of the Judiciary of the U.S. Senate will be the truth, the whole truth and nothing but the truth, so help you God?

Judge ALITO. I do.

Chairman SPECTER. Thank you, Judge Alito. You may be seated, and we welcome whatever opening comments you care to make.

**STATEMENT OF SAMUEL A. ALITO, JR., OF NEW JERSEY, NOMINEE TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES**

Judge ALITO. Thank you very much, Mr. Chairman. I am deeply honored to appear before you. I am deeply honored to have been nominated for a position on the Supreme Court, and I am humbled to have been nominated for the seat that is now held by Justice O'Connor. Justice O'Connor has been a pioneer, and her dedicated service of the Supreme Court will never be forgotten, and the people of the country certainly owe her a great debt for the service that she has provided.

I am very thankful to the President for nominating me, and I am also thankful to the members of this Committee and many other Senators who took time from their busy schedules to meet with me. That was a great honor for me, and I appreciate all of the courtesies that were extended to me during those visits. And I want to thank Senator Lautenberg and Governor Whitman for coming here today and for their kind introductions.

During the previous weeks, an old story about a lawyer who argued a case before the Supreme Court has come to my mind, and I thought I might begin this afternoon by sharing that story. The story goes as follows:

This was a lawyer who had never argued a case before the Court before, and when the argument began, one of the Justices said, "How did you get here?" meaning how had his case worked its way up through the court system. But the lawyer was rather nervous, and he took the question literally, and he said—and this was some years ago. He said, "I came here on the Baltimore and Ohio Railroad."

This story has come to my mind in recent weeks because I have often asked myself how in the world did I get here. And I want to try to answer that today and not by saying that I came here on I-95 or on Amtrak.

I am who I am in the first place because of my parents and because of the things that they taught me, and I know from my own experience as a parent that parents probably teach most powerfully not through their words but through their deeds. And my parents taught me through the stories of their lives, and I don't take any credit for the things that they did or the things that they experienced. But they made a great impression on me.

My father was brought to this country as an infant. He lost his mother as a teenager. He grew up in poverty. Although he graduated at the top of his high school class, he had no money for college, and he was set to work in a factory. But at the last minute, a kind person in the Trenton area arranged for him to receive a \$50 scholarship, and that was enough in those days for him to pay the tuition at a local college and buy one used suit. And that made the difference between his working in a factory and going to college.

After he graduated from college, in 1935, in the midst of the Depression, he found that teaching jobs for Italian-Americans were not easy to come by, and he had to find other work for a while. But eventually he became a teacher, and he served in the Pacific during