

Thank you for joining us, Judge Barry, and we look forward to your testimony.

**STATEMENT OF MARYANNE TRUMP BARRY, JUDGE, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, PHILADELPHIA, PENNSYLVANIA**

Judge BARRY. Thank you, Mr. Chairman. Good afternoon. Good afternoon, members of the Committee. It is my privilege to appear before you and it is a particular privilege to speak on behalf of my friend and colleague, Judge Samuel Alito.

Now, I warn you, I may be a little free and call him “Sam” on occasion because Judge Alito and I go back almost 30 years, to 1977. In 1977, Judge Alito came to the United States Attorney’s Office in the District of New Jersey following his clerkship with Judge Leonard Garth, who was and remains a giant on our court. Sam was assigned—see, I did it—to the Appeals Division and I was the chief of that division, although in those days, I didn’t have very much more experience than he did. Now, I have said Appeals Division. That sounds very much more substantial than it was for what it was, the three Assistant United States Attorneys working very, very hard at a very, very responsible job.

We handled all the criminal appeals of those defendants who were convicted at trial. It was our job to master the record, to analyze the issues, to read the relevant cases, to write a persuasive brief on behalf of the United States, and, if necessary, to argue the case on the floor of the Court of Appeals. Nobody did it better than Sam Alito. And if there were any doubt on that score, the best evidence is the fact that after just 4 years as an Assistant United States Attorney, he went directly to the Office of the Solicitor General. Only the best are able to do that.

For the next 6 years, Judge Alito distinguished himself with public service in Washington, D.C., and then he returned to the District of New Jersey in 1987 as the United States Attorney. Important cases were brought on his watch, organized crime cases, drug trafficking cases, public corruption cases. I know, because I was there, and as a district court judge at that time, having been appointed by President Reagan, I handled some of his more important cases.

Now, I mentioned the cases that were handled on his watch for another reason. The tone of the United States Attorney’s Office comes from the top. The standard of excellence is set at the top. Samuel Alito set a standard of excellence that was contagious, his commitment to doing the right thing, never playing fast and loose with the record, never taking a short cut, his emphasis on first-rate work, his fundamental decency. The Assistant United States Attorneys who worked for him were proud to do so. They admired him completely.

Now, of course, in 1990, Judge Alito became Judge Alito, and you have heard the most glowing things said about Sam as a colleague on our court. I embrace every glowing statement.

Let me just conclude with this. Judge Alito is a man of remarkable intellectual gifts. He is a man with impeccable legal credentials. He is a fair-minded man, a modest man, a humble man, and he reveres the rule of law. If confirmed, Judge Samuel A. Alito, Jr.

will serve as a marvelous and distinguished Associate Justice of the Supreme Court of the United States. Thank you, Mr. Chairman.

Chairman SPECTER. Thank you very much, Judge Barry.

We turn now to Judge Ruggero Aldisert. He has a bachelor's degree from the University of Pittsburgh in 1942 and a law degree from the same institution in 1947, with intervening service in the Marine Corps. He served on the Court of Common Pleas of Allegheny County from 1961 to 1968, at which point he was appointed to the Third Circuit by President Lyndon Johnson. Judge Aldisert and I were reminiscing about my predecessor, Judge—Senator—he used to be a judge—Senator Joe Clark, whose seat I now occupy. He was Chief Judge from 1984 to 1986 and took senior status in 1986. He has been an adjunct professor at the University of Pittsburgh and has served with Judge Alito on the Third Circuit for the past 15 years.

Thank you for coming all the way from California, Judge Aldisert, to be with us today and we look forward to your testimony.

**STATEMENT OF RUGGERO J. ALDISERT, SENIOR JUDGE, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, PHILADELPHIA, PENNSYLVANIA**

Judge ALDISERT. Thank you, sir. Mr. Chairman and members of the Committee, I thank you for this invitation to offer my views on my colleague, but before proceeding into my formal statement, I want the record to show that there was a discussion this morning about ages of judges. Well, I am an old man.

[Laughter.]

Judge ALDISERT. And I will tell you how old I am. There is a certain distinguished United States Senator sitting up there who I swore in as a lawyer in the city of Pittsburgh over 40 years ago, and that is Orrin Hatch.

[Laughter.]

Judge ALDISERT. And I will also say that I presided over the first jury trial that he ever tried, and he won the case.

Senator LEAHY. Oh, that is sweet.

[Laughter.]

Senator HATCH. I am glad you said that, Judge. They don't believe that I did.

Senator LEAHY. I never knew you won one.

[Laughter.]

Chairman SPECTER. They have always gotten along very well together, Senator Leahy and Senator Hatch.

Judge ALDISERT. When I first testified before this Committee in 1968, I was seeking confirmation in my own nomination to the Federal Circuit Court. I speak now as the most senior judge on the Third Circuit, and I begin my brief testimony with some personal background.

In May 1960, I campaigned with John F. Kennedy in the critical Presidential primaries of West Virginia. The next year, I ran for judge, as was indicated, and I was on the Democratic ticket, and I served 8 years as a State trial judge. As the Chairman indicated, Senator Joseph Clark of Pennsylvania was my chief sponsor when