

DEFT./RESP.

EXHIBIT

54

CASE #

M4113-03

In the Matter of:

*Nominations of Richard Wesley, Ronnie Greer
Thomas Hardiman, Mark Kravitz, John Woodcock*

*Senate Committee on the Judiciary
May 22, 2003*

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[1] NOMINATIONS OF RICHARD C. WESLEY, OF NEW YORK, TO BE UNITED
 [2] STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT; J. RONNIE
 [3] GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR
 [4] THE EASTERN DISTRICT OF TENNESSEE; THOMAS M. HARDIMAN, OF
 [5] PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE
 [6] WESTERN DISTRICT OF PENNSYLVANIA; MARK R. KRAVITZ, OF
 [7] CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE
 [8] DISTRICT OF CONNECTICUT; AND JOHN A. WOODCOCK, OF MAINE, TO
 [9] BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE
 [10]

[11] THURSDAY, MAY 22, 2003

[12] United States Senate,
 [13] Committee on the Judiciary,
 [14] Washington, D.C.
 [15] The Committee met, pursuant to notice, at 2:02 p.m., in
 [16] room SD-226, Dirksen Senate Office Building, Hon. Saxby
 [17] Chambliss, presiding.

[18] Present: Senators Chambliss, Specter, and Schumer.

[19] OPENING STATEMENT OF HON. SAXBY CHAMBLISS,

[20] A U.S. SENATOR FROM THE STATE OF GEORGIA

[21] Senator Chambliss. [presiding.] The Committee will
[22] come to order.

[23] We are pleased to see so many of our colleagues here.

[24] It looks like we almost have a quorum. This is great.

[25] We want to issue a special welcome to all of our

[1] colleagues from the Senate and to my dear, good friend,
 [2] Congressman Reynolds from the great State of New York. We
 [3] are pleased to have you all here to make statements
 [4] regarding these nominees, and I am going to submit my
 [5] opening statement for the record, because we do have such a
 [6] large number of folks to speak, and call first upon my
 [7] colleague on the Committee, Senator Specter, for any
 [8] comments he has regarding a nominee.

[9] [The prepared statement of Senator Chambliss follows.]

[10] / COMMITTEE INSERT

[1] PRESENTATION OF THOMAS M. HARDIMAN, NOMINEE TO BE
 [2] UNITED STATES DISTRICT JUDGE FOR THE WESTERN
 [3] DISTRICT OF PENNSYLVANIA, BY HON. ARLEN SPECTER, A
 [4] U.S. SENATOR FROM THE STATE OF MISSISSIPPI
 [5] Senator Specter. Thank you very much, Mr. Chairman.

[6] I am pleased to introduce a distinguished
 [7] Pennsylvanian, Thomas M. Hardiman, who is the nominee for
 [8] the United States District Court for the Western District of
 [9] Pennsylvania. He has a B.A. from the University of Notre
 [10] Dame and a law degree from Georgetown. He has had extensive
 [11] practice in the Federal and State courts. He has experience
 [12] in securities litigation, white-collar crime, bankruptcy,
 [13] energy. He is a fellow of the American Academy of Trial
 [14] Lawyers, Allegheny County, and the American Bar
 [15] Association's House of Delegates.

[16] He has been very active in community and civic affairs,
 [17] is a member of the Big Brothers and Sisters of Greater
 [18] Pittsburgh, the Duquesne Club. He has helped on Ayuda, a
 [19] legal aid clinic in Washington, where he has represented
 [20] indigent Spanish-speaking immigrants in political asylum,
 [21] domestic violence, and employment cases.

[22] Tom Hardiman has achieved this outstanding record at an
 [23] early age of 37, and he comes to this Committee within a few
 [24] days of the retirement of Chief Judge Edward Becker, Chief
 [25] Judge of the Third Circuit, who became a Federal judge at

[1] the age of 37 and has had an extraordinarily distinguished
 [2] career, and I think that Tom Hardiman at this vantage point
 [3] has the prospect of an equally distinguished career.

[4] Now I yield to my colleague, Senator Santorum, if I
[5] may, Mr. Chairman.

[6] Senator Chambliss. Senator Santorum?

(1) PRESENTATION OF RICHARD C. WESLEY, NOMINEE TO BE
 (2) UNITED STATES CIRCUIT JUDGE FOR THE SECOND
 (3) CIRCUIT, BY HON. CHARLES E. SCHUMER, A U.S.
 (4) SENATOR FROM THE STATE OF NEW YORK
 (5) Senator Schumer. I will be brief.
 (6) I just want to welcome my colleagues here—Senator
 (7) Clinton, of course, and we have a special guest. It is rare
 (8) that somebody from the House comes by, but Congressman
 (9) Reynolds was really instrumental in bringing Judge Wesley to
 (10) the Committee's attention. They have known each other for
 (11) many years. And I see a third member of the triumvirate,
 (12) former Congressman Paxon, in the back; they are a great
 (13) group as well. I also want to thank his family for being
 (14) here as well, including his mother, who is 86, God bless.
 (15) Mr. Chairman, I am in full support of Judge Wesley's
 (16) nomination. Like most nominees we see, he has a top-flight
 (17) legal mind and experience. He graduated summa cum laude
 (18) from SUNY Albany and Cornell Law School, worked in private
 (19) practice for several years, and served in the New York State
 (20) Assembly a few years after I did, from 1983 to 1987.
 (21) Mr. Chairman, this is not a nominee who comes before us
 (22) where it is well, maybe someone wants him, so we should make
 (23) him a judge. He is so well-qualified; he has made an
 (24) excellent judge in New York State, and he will just be a
 (25) superb judge here.

(1) I have always had three criteria in the judges that I
 (2) have nominated—excellence, legally excellent; moderation—I
 (3) do not like judges to be too far right or too far left; and
 (4) diversity. Judge Wesley is good on two of the three. But
 (5) our previous two nominees, to the President's credit, the
 (6) previous two nominees to the Second Circuit are Judge
 (7) Parker, an African American, and Judge Raggi, a woman, so in
 (8) a sense you are the diverse candidate today, Judge Wesley,
 (9) and you meet all three criteria.
 (10) I just want to make one point, and I will ask that my
 (11) whole statement be read in the record, because I know that
 (12) Senator Clinton and Congressman Reynolds want to say
 (13) something before we have to break for the vote.
 (14) I think that what has happened in New York is a model
 (15) for how we can all get along. The nominees have been
 (16) excellent nominees. Most of them probably philosophically
 (17) do not disagree with Senator Clinton and me on every issue,
 (18) but they are all in the mainstream.
 (19) I thought I would just read you Judge Wesley's own
 (20) judicial philosophy, which he wrote: "I consider myself a
 (21) conservative in nature, pragmatic at the same time, with a
 (22) fair appreciation of judicial restraint. I have always
 (23) restricted myself to what I understand to be the plain
 (24) language of the statute and not gone beyond that, because
 (25) public policy is made by the legislature."

(1) To that, I say amen. We look forward to hearing from
 (2) you, Judge. We welcome your family here. I believe you
 (3) will be a great judge on the Second Circuit, the long-
 (4) distinguished Second Circuit, of the United States
 (5) I would just ask unanimous consent that my entire
 (6) statement be read into the record.
 (7) Senator Chambliss. Certainly, without objection.
 (8) Senator Clinton?
 (9) [The prepared statement of Senator Schumer follows.]
 (10) / COMMITTEE INSERT

(1) PRESENTATION OF RICHARD C. WESLEY, NOMINEE TO BE
 (2) UNITED STATES CIRCUIT JUDGE FOR THE SECOND
 (3) CIRCUIT, BY HON. HILLARY RODHAM CLINTON, A U.S.
 (4) SENATOR FROM THE STATE OF NEW YORK
 (5) Senator Clinton. Thank you, Mr. Chairman, and I too
 (6) would like my entire statement in the record.
 (7) I want to welcome not only Judge Wesley but also his
 (8) mother Beatrice and his daughter Sarah and his son Matthew.
 (9) I had a brief visit with Mrs. Wesley, and it is not any
 (10) accident that her son is here today, moving toward
 (11) confirmation for the Second Circuit Court of Appeals.
 (12) Mr. Chairman, it is certainly not a requirement that a
 (13) candidate for the Federal judiciary has significant public
 (14) service experience, but many of us in New York are extremely
 (15) proud of the way that Judge Wesley has not only been a
 (16) superb jurist but has continued to care about the quality of
 (17) justice and has used his extraordinary experience to try to
 (18) improve the lives of the people who appear before him and
 (19) far beyond that.
 (20) He has a distinguished academic record, and for the
 (21) past 16 years, he has served New York State courts with
 (22) distinction. As a trial court judge, he instituted a Felony
 (23) Screening Program that reduced the delay in processing
 (24) felony cases by over 60 percent. That served as a model for
 (25) other judicial districts across New York.

[1] He also created the JUST Program, which provides
 [2] services to court and criminal justice agencies in Monroe
 [3] County, to monitor pre-plea and pre-sentence defendants and
 [4] to provide program alternatives to incarceration.

[5] He has been a champion for victims of domestic
 [6] violence. He was at the forefront of working to provide
 [7] shelters for victims of domestic violence long before it
 [8] became an issue that captured the attention of most of the
 [9] rest of us.

[10] After serving for 7 years on the trial court, he was
 [11] appointed as a justice of the Appellate Division, New York
 [12] State's intermediate court, and for the past 6 years, he has
 [13] served as an associate judge of New York State's highest
 [14] court and one of the most prominent State court's in our
 [15] Nation—the New York State Court of Appeals.

[16] All that one has to do is to look at his record, talk
 [17] to his colleagues, to know that this is a candidate for the
 [18] Federal judiciary who will serve with the same distinction
 [19] on the Second Circuit that he has brought to his experience
 [20] on the New York courts.

[21] Now, as we consider his confirmation, I cannot help but
 [22] mention as well that this will be the first Western New
 [23] Yorker to serve as an associate judge of the Second Circuit
 [24] for 29 years, when we had our last appointment. And it is
 [25] long overdue, as I am sure Congressman Reynolds would agree,

[1] that we have someone from the western part of our State
 [2] serving on this prominent and essential Court of Appeals.

[3] So I not only endorse Judge Wesley whole-heartedly, but
 [4] I endorse the bipartisan process that leads him to be
 [5] nominated and thank the President for forwarding this
 [6] nomination and certainly thank his long-time friend and
 [7] champion, Congressman Reynolds. He will serve with
 [8] distinction, and we are very proud to offer this nomination
 [9] to the Committee.

[10] Senator Chambliss. Thank you for your comments and for
 [11] being here.

[12] [The prepared statement of Senator Clinton follows:]

[13] / COMMITTEE INSERT

[1] Congressman Reynolds?

[2]

33

1 PRESENTATION OF RICHARD C. WESLEY, NOMINEE TO BE

[2] UNITED STATES CIRCUIT JUDGE FOR THE SECOND

[3] CIRCUIT, BY HON. THOMAS REYNOLDS, A U.S.

[4] REPRESENTATIVE FROM THE STATE OF NEW YORK

[5] Representative Reynolds. Mr. Chairman, it is with high
 [6] honor and privilege to appear before you as the chairman of
 [7] our proceedings today, and Senator Schumer, members of the
 [8] Judiciary Committee, thank you for the courtesy of allowing
 [9] me to come here today. I appreciate the opportunity to
 [10] speak with a great honor on behalf of my good friend, Judge

[11] Richard Wesley.

[12] Dick Wesley and I have been close friends for more than
 [13] 20 years, and it is a pleasure to share with this Committee
 [14] why I believe he is such a tremendous choice for the United
 [15] States Circuit Judge for the Second Circuit.

[16] Since his election to the New York State Supreme Court
 [17] in 1986, Judge Wesley has earned the respect and praise of
 [18] his colleagues and indeed, our entire State, for his
 [19] temperament, intellect, and commitment to and the love of
 [20] law.

[21] Judge Wesley was appointed by then Governor Mario Cuomo
 [22] to the Appellate Division of the Supreme Court in 1994 and
 [23] to the Court of Appeals by Governor Pataki in 1996. Despite
 [24] their divergent political views, both Governors Cuomo and
 [25] Pataki shared a common thread in their appointments to the

[1] New York courts—a desire to select only the best and the
 [2] brightest that our State has to offer. Both chose Judge
 [3] Richard Wesley.

[4] Indeed, we are seeing that again today. Nominated to
 [5] the Federal bench by President Bush, Judge Wesley enjoys the
 [6] support of both of our Senators, Senator Schumer and Senator
 [7] Clinton. That is because Judge Wesley's devotion to the law
 [8] transcends partisanship.

[9] Despite Judge Wesley's rise to the highest levels of
 [10] the New York judiciary, he remains firmly grounded and
 [11] deeply rooted to his community. The son of a truck driver
 [12] and a nurse, Judge Wesley has never forgotten where he came
 [13] from. And I note to this Committee that joining Judge
 [14] Wesley today is his mother, Betty, his wife, Kathy, and
 [15] their children.

[16] Indeed, even though this is probably one of the biggest
 [17] weeks of his career, Judge Wesley was at the local rotary
 [18] club just a couple days ago, speaking to them about what he
 [19] cares to passionately about—the law. Active in his
 [20] community, Judge Wesley spends evenings and weekends driving
 [21] an ambulance in a volunteer ambulance corps. And that is an
 [22] important part of who Judge Wesley is—a man who always
 [23] remembers his roots and who has retained throughout his
 [24] career the small-town values that he grew up with.
 [25] Senators, I am grateful to you for your consideration

[1] of Judge Wesley as circuit court judge. By virtue of his
 [2] experience and his background, his character, and his
 [3] integrity, his knowledge of and devotion to the law, our
 [4] Nation and our judiciary will be well-served by his
 [5] appointment. I respectfully ask this Committee to support
 [6] Judge Richard Wesley's nomination as United States Circuit
 [7] Judge for the Second Circuit.

[8] Thank you.

[9] Senator Chambliss. Thank you very much, Congressman
 [10] Reynolds, for being here.

[11] Judge Wesley, you not only have strong bipartisan
 [12] support within the House and the Senate, but my good friend,
 [13] as Senator Schumer mentioned, Bill Paxon, is back there, but
 [14] most especially his better half, Susan Molinari, is back
 [15] there. Great Americans there also. We look forward to
 [16] hearing from you.

[17] Senator Schumer. Let me add my welcome to Susan; she
 [18] was hiding, I guess. I did not see her. Great.

[19] Senator Chambliss. We are going to adjourn for us to
 [20] make a vote, and we will come back and hear from our
 [21] nominees.

[22] [Recess.]

[23] Senator Chambliss. Senator Schumer is on his way back,
 [24] but I am going to take the liberty of going ahead and
 [25] starting for the sake of time.

[1] Judge Wesley, if you will come up and take a seat,
 [2] please. We are very pleased to have you here after those
 [3] glowing recommendations; that says an awful lot about what
 [4] you have accomplished over the last number of years
 [5] practicing law and sitting on the bench, Judge. So we are
 [6] certainly pleased to have you here today, and we are happy
 [7] to hear any opening statement you would like to make.

[8] Would you stand and raise your right hand, please?

[9] Judge Wesley. No problem, Mr. Chairman; glad to do it.

[10] Senator Chambliss. Do you solemnly swear that the
 [11] testimony you are about to give before this hearing shall be
 [12] the truth, the whole truth, and nothing but the truth, so
 [13] help you, God?

[14] Judge Wesley. I do.

[15] Senator Chambliss. I should have sworn our friend Tom
 [16] Reynolds. I have a few questions I would like to ask him.

[17] [Laughter.]

[18] Senator Chambliss. Judge Wesley, we are pleased to
 [19] have you here, and we welcome any statement that you would
 [20] like to make.

[1] STATEMENT OF RICHARD C. WESLEY, NOMINEE TO BE
 [2] UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

[3] Judge Wesley. I have no opening statement to make,
 [4] other than perhaps to introduce my family to you, Mr.
 [5] Chairman.

[6] Seated directly behind me are my wife of soon to be 25
 [7] years, Kathy Wesley. Two over from her, the other woman
 [8] long-term in my life, my 82-year-old mother, Beatrice
 [9] Wesley, who continues to reside in the house that my father
 [10] built for my brother, me, and her in 1949. To my wife's
 [11] left, my daughter, Sarah Elizabeth Wesley, who is a Cornell
 [12] University graduate and is about to enter the University of
 [13] Buffalo Law School in the fall—I tried to get her to go 2
 [14] years ago, but she has a mind of her own. And at the end,
 [15] my "baby," my son, Matthew Richard Wesley—I am fond of his
 [16] middle name—who is currently now to be a senior at Cornell
 [17] University, studying business.

[18] [The biographical information of Judge Wesley follows:]

[1] Senator Chambliss. Very good. As with all of us, they
 [2] are the ones who make life worth living every day, and you
 [3] certainly have a very beautiful family there.

[4] We are pleased to have all of you with us today.

[5] Judge Wesley, you have had significant experience in
 [6] private practice, as a legislator and as a judge at both the
 [7] trial and the appellate levels. How do you think that
 [8] experience has prepared you to serve on the Second Circuit?

[9] Judge Wesley. Mr. Chairman, I have been very, very
 [10] fortunate, and it is a good question, because I think to
 [11] some degree, it reflects upon my life, and I appreciate your
 [12] asking me.

[13] I have been very blessed in my life. I have had the
 [14] opportunity to serve in the State legislature; I have served
 [15] as a trial judge in the State courts and then worked my way
 [16] up through the intermediate courts. And I think it is
 [17] important for a judge to always keep their feet firmly
 [18] grounded in the practical realities of life.

[19] The Second Circuit presents a new challenge for me, and
 [20] I am excited about it, Mr. Chair, if I am so fortunate to be
 [21] confirmed. It presents me with the opportunity to continue
 [22] to deal with State law with regard to diversity cases, but
 [23] opens up to me a whole new area of law with the Federal
 [24] jurisdiction and the Federal issues that are presented to
 [25] the Second Circuit.

[1] Senator Chambliss. Frankly, Judge, one problem that I
 [2] always have as we engage in these hearings is making sure
 [3] that we have people serving on the bench who are judges, and
 [4] in the case of Federal judges, judges who are there to
 [5] interpret the Constitution and not make law, because there
 [6] is that tendency to sometimes move over into that area.

[7] You have been a legislator, you have been a judge, and
 [8] I would like your comments on that as to what you think with
 [9] respect to your philosophy on interpreting rather than
 [10] legislating from the bench, as well as you think your
 [11] ability to look at the Constitution, follow precedents, and
 [12] interpret the law.

[13] Judge Wesley. Mr. Chair, I appreciate the question,
 [14] and it is a question I think that presents itself regularly
 [15] to the American people.

[16] I live in the town where I was born, the Town of
 [17] Livonia, and occasionally I am called to go to the Livonia
 [18] Post Office, and every once in a while, someone at the post
 [19] office will say, "What was that court thinking about when
 [20] they did that most recent decision?" I call it "the Livonia
 [21] Post Office test," and I regularly apply it to some of the
 [22] writings my colleagues present.

[23] Senator Schumer mentioned a statement that I had made
 [24] at the time of my nomination by Governor Pataki; I reaffirm
 [25] it. I view myself as having a great deal of healthy respect

[1] for the wide diversity of opinions and the forum of public
 [2] opinion, the legislature, my most recent experience being
 [3] the State legislature, and certainly the national
 [4] legislature, the Congress. When one comes from a State like
 [5] New York, as wide and diverse as New York, and one has the
 [6] opportunity to serve in the State Assembly, one begins to
 [7] appreciate how many different points of view there are in my
 [8] great State, and certainly that is multiplied 10-fold—or
 [9] 50-fold, quite frankly—with regard to the issues that
 [10] present themselves in the national Congress.

[11] My view is to continue to respect the separation of
 [12] powers and the responsibilities of the Congress and to do my
 [13] job to examine the statutes enacted by the Congress and the
 [14] plain intent and meaning of those statutes as expressed in
 [15] the language therein.

[16] Senator Chambliss. Judge, you have been active in
 [17] efforts to improve the judicial process, to improve the
 [18] fairness and efficiency of criminal courts, and to reach out
 [19] to youth groups to help them understand the law. Could you
 [20] please explain to the Committee what you have done in these
 [21] areas and the results that you have achieved?

[22] Judge Wesley. I will deal with the second part of the
 [23] question first, Mr. Chair. I have had the opportunity on
 [24] many occasions to go into classrooms. There was a time in
 [25] my life when I had anticipated being a teacher, and I think

[1] all good lawyers and all good judges are to some degree
 [2] teachers in the sense that they need to explain their
 [3] positions and/or to educate others with regard to the
 [4] opinion that they are writing or the position that they are
 [5] taking as an advocate. So I enjoy immensely the opportunity
 [6] to go into the classroom and talk to people, to young people
 [7] in particular.

[8] When I was a young boy, as was indicated earlier, my
 [9] dad was a truck driver. I am very proud of that. It was a
 [10] wonderful experience; I got to ride all over Western New
 [11] York with him. And my mom was a nurse. Prior to that, she
 [12] worked in a butcher shop. I always thought that was an
 [13] interesting switch from butcher shop to being a nurse.

[14] But we come from humble sorts, and I never had any idea
 [15] what it meant to be a lawyer. There were not many shows
 [16] about law on TV. But I was very fortunate to have met a
 [17] lawyer, a practicing lawyer in my home town, who talked with
 [18] me about it and got me interested in it.

[19] So I try to repay that. I think we have an obligation
 [20] as professionals—we are blessed with the license to
 [21] practice law—to go back and to spread the good news about
 [22] practicing law among young people.

[23] With regard to the second aspect of your question, in
 [24] 1991, I was the supervising judge of the criminal courts in
 [25] the Seventh Judicial District in Western New York. It is a

[1] seven-county area that goes from Rochester to the
 [2] Pennsylvania border, about 1.5 million people. The primary
 [3] court, though, is located in Monroe County. Monroe County
 [4] is a county of about 750,000 people.

[5] At that time, there was a backlog of criminal
 [6] indictments of around 220 indictments or more, most of which
 [7] were over 6 months in length. And it struck me that there
 [8] were several people who were incarcerated, indigents who
 [9] could not make bail, who had at in the county jail for
 [10] upwards of 18 months to 2 years before their trial.

[11] It further occurred to me that the victims of the
 [12] crimes for which those defendants were charged had waited
 [13] over a year and a half to 2 years for the court to render
 [14] justice.

[15] And finally, it occurred to me that from a prosecutor's
 [16] standpoint, the memories of the witnesses that would be
 [17] called to testify in those trials might grow dim.

[18] I brought the district attorney together—Howard Reilan
 [19] happens to be a good friend of Senator Schumer—the public
 [20] defender of Monroe County, a fellow by the name of Edward
 [21] Nowak, and representatives of the private criminal defense
 [22] bar, along with court staff, right from court clerks to
 [23] court stenographers to probation officers, and we tried to
 [24] look at the system as a whole to see why the system was not
 [25] producing opportunities to fairly and quickly adjudicate

[1] matters.

[2] Through a collaborative effort of all those people—

[3] attorneys, clerks, civil servants—we rolled up our sleeves,

[4] and we got the job done in a thing called the Felony

[5] Screening Program. Quite simply, Mr. Chair, it was an

[6] opportunity to look at a case very early on, to assess it,

[7] to assess its provability—in the vast majority of cases in

[8] which the defendant who is arrested ultimately pleads to

[9] some crime arising from his or her activity—and to sweep

[10] away those cases which could be resolved in a fast fashion

[11] and to identify the difficult cases that would need to go to

[12] trial.

[13] As mentioned earlier by Senator Clinton, the results

[14] were startling. I must tell you I was totally shocked at

[15] how quickly we worked away at the backlog—and there was not

[16] magic to it, Senator. It was just people of good will, of

[17] many different perspectives, working on a problem together.

[18] It became a model that others have adopted around the

[19] State. I am quite proud of it and thankful that I had the

[20] opportunity to work on it.

[21] Senator Chambliss. Well, you are to be commended for

[22] making that effort, Judge. As somebody who practiced law

[23] for 26 years, we all do not do enough work of that nature to

[24] make sure that justice does prevail in every instance and in

[25] every corner of our great country, so I commend you for

[1] that.

[2] And having come from a similar background as you did, I

[3] know the hard work and dedication that you have endured to

[4] get to where we are, so we look forward to moving forward

[5] with your nomination.

[6] Judge Wesley. Thank you.

[7] Senator Chambliss. I understand that Senator Schumer

[8] is stuck in a Committee meeting. I regret that you will not

[9] have to endure the stern cross-examination that Senator

[10] Schumer always brings—and since he is my good friend, I

[11] can say that about him.

[12] But we are pleased to have you here and thank you very

[13] much for your testimony today.

[14] Judge Wesley. Thank you very much, Mr. Chair.

[1] Senator Chambliss. I will ask the third panel of Mr.

[2] Greer, Mr. Hardiman, Mr. Kravitz, and Mr. Woodcock if they

[3] would now come forward.

[4] If each of you would raise your right hand—do you

[5] solemnly swear that the testimony you are about to give in

[6] the matter now pending before this Committee shall be the

[7] truth, the whole truth, and nothing but the truth, so help

[8] you God?

[9] Mr. Greer. I do.

[10] Mr. Hardiman. I do.

[11] Mr. Kravitz. I do.

[12] Mr. Woodcock. I do.

[13] Senator Chambliss. Thank you.

[14] Mr. Greer, we will start with you and move to your left

[15] and welcome any opening statement. And I will say

[16] initially, Mr. Greer, having grown up in the early years of

[17] my life in East Tennessee, up on the Cumberland Plateau, in

[18] Monticage and Swanee, and having gone to the University of

[19] Tennessee, I am pleased to see you here. It is always nice

[20] to see somebody else come out of East Tennessee and do

[21] particularly well, as you have done, so we are pleased to

[22] have you here.

[1] STATEMENT OF J. RONNIE GREER, NOMINEE TO BE UNITED

[2] STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF

[3] TENNESSEE

[4] Mr. Greer. Thank you very much, Mr. Chairman. I

[5] certainly appreciate those comments.

[6] It is a great honor to be here today and at the same

[7] time, a very humbling experience.

[8] I do not have an opening statement. I would simply

[9] like to express my appreciation to both Senator Frist and

[10] Senator Alexander for their comments earlier and, if I may,

[11] would like to introduce my family and friends who are here

[12] today.

[13] Senator Chambliss. Please do.

[14] Mr. Greer. I would like to first of all introduce my

[15] wife, Bunny, who is in the second row here.

[16] Senator Chambliss. Let them stand up if you will, so

[17] we can see you back there.

[18] Mr. Greer. And my friends, Billy McCamey and Peggy

[19] Freshour, who came here from Greenville to lend support

[20] today, and I appreciate them being here very much.

[21] Bunny and I have a 6-year-old daughter. We did not

[22] bring her today—we thought that might be a little much—and

[23] she has been very busy this week with kindergarten

[24] graduation and dance recitals, so we decided to leave her at

[25] home. But I am very proud of my family and very proud to

[1] coaching.

[2] Since I had that same experience of coaching my son, I

[3] used to always get asked the question: Were you tougher on

[4] them than all the other team members? Maybe I ought to ask

[5] them that.

[6] [Laughter.]

[7] Mr. Woodcock. I have a great respect for the Fifth

[8] Amendment, and I will take the Fifth on that.

[9] [Laughter.]

[10] Senator Chambliss. I understand.

[11] You have spent over 25 years as a successful advocate

[12] for your clients. What do you think is the biggest

[13] challenge you will face in your new role if you are

[14] confirmed as a district court judge?

[15] Mr. Woodcock. I think making the transition from

[16] advocacy to judicial bearing is always a challenge. Over

[17] the course of practicing law for numerous years, 26 years,

[18] one of the benefits I have had the opportunity to engage

[19] in, along with many other practicing lawyers, is that we go

[20] from judge to judge to judge, and we see different judges,

[21] and we are able to try to determine what characteristics of

[22] a judge we feel would be appropriate.

[23] Those three characteristics that I feel most

[24] appropriate for a judge are legal competence, which we take

[25] as a given, common sense, and temperament. And those things

[1] I hope to bring to the bench if confirmed by the Senate.

[2] I Senator Chambliss. Gentlemen, let me say to each of

[3] you individually and collectively that it is pretty obvious

[4] why you have been nominated for your respective judgeships.

[5] You all possess, obviously, great legal experience and

[6] competence, or you would not be here, but you touched on

[7] something there, Mr. Woodcock, and that is temperament, and

[8] just from your response here today, I think each of you

[9] possesses that necessary judicial temperance that we need to

[10] see more often from the bench than we sometimes do.

[11] I will tell you that you may receive written questions

[12] from other members of the Committee—they have until 5 p.m.

[13] on Wednesday, May 28 to submit written questions, and if

[14] there are any, they will be submitted to you in short order

[15] following that.

[16] That being said, if there are no further questions or

[17] participation from anyone on the Committee, we will stand

[18] adjourned.

[19] Thank you very much.

[20] [Voice of unidentified woman in audience:]

[21] Voice. Mr. Chairman, we are in opposition to Judge

[22] Wesley based on his documented corruption at the New York

[23] Court of Appeals.

[24] Senator Chambliss. I will issue a warning that we will

[25] have order. The Committee will stand in recess until the

[1] police can restore order. Everyone remain seated.

[2] [Pause.]

[3] Voice. Are you directing that I be arrested?

[4] Are you directing that I be arrested?

[5] Senator Chambliss. I am directing that the police

[6] restore order.

[7] Voice. Are you directing that I be arrested?

[8] [Pause.]

[9] Senator Chambliss. Outside witnesses are welcome to

[10] submit letters supporting or opposing nominees for the

[11] Committee's consideration, but it is not our usual procedure

[12] to invite outside witnesses to testify either in support or

[13] in opposition to the nomination.

[14] I realize that this lady is disappointed that she is

[15] not able to make any statement this afternoon, but her

[16] disappointment in no way condones any disruption of this

[17] hearing.

[18] Again, we will stand adjourned.

[19] Thank you very much.

[20] [Whereupon, at 3:32 p.m., the Committee was adjourned.]

