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	[1]	PRESENTATION OF THOMAS M. HARDIMAN, NOMINEE TO BE	1
	THE STATE OF THE SECOND CHARLES I PONNIE	[2]	UNITED STATES DISTRICT JUDGE FOR THE WESTERN	
[2] [3]	THE PROPERTY OF THE PROPERTY O	[3]	DISTRICT OF PENNSYLVANIA, BY HON. ARLEN SPECTER, A	
(4)	THE THE PARTY OF THE PROPERTY OF THE PARTY O	[4]	U.S. SENATOR FROM THE STATE OF MISSISSIPPI	•
	PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE	[5]	Scnator Specter. Thank you very much, Mr. Chairman.	
[6]	THE PARTY OF	[6]	I am pleased to introduce a distinguished	•
[7]	COLD THE STATE OF THE PROPERTY OF THE STATE	[7]	Pennsylvanian, Thomas M. Hardiman, who is the nominee for	
[8]	TO THE TO SERVICE TO SERVICE TO SERVICE TO	[8]	the United States District Court for the Western District of	
	BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE	[9]	Pennsylvania. He has a B.A. from the University of Notre	
[10]	· · · · · · · · · · · · · · · · · · ·	[10]	Dame and a law degree from Georgetown. He has had extensive	e .
[11]		[11]	practice in the Federal and State courts. He has experience	
[12]	• •	1 -	in securities litigation, white-collar crime, bankruptcy,	;
[13]		[13]	energy. He is a fellow of the American Academy of Trial	
[14]		[14]	Lawyers, Allegheny County, and the American Bar	
[15		[15]	Association's House of Delegates.	
[16		[16]	He has been very active in community and civic affairs,	
[17	Chambliss, presiding.	[17]	is a member of the Big Brothers and Sisters of Greater	
[18	Present: Scnators Chambliss, Specter, and Schumer.	[18]	Pittsburgh, the Duquesne Club. He has helped on Ayuda, a	
[19	OPENING STATEMENT OF HON. SAXBY CHAMBLISS,	[19]	legal aid clinic in Washington, where he has represented	
[20	A U.S. SENATOR FROM THE STATE OF GEORGIA	[20]	indigent Spanish-speaking immigrants in political asylum,	
[21	Senator Chambliss. [presiding.] The Committee will	[21]	domestic violence, and employment cases.	
[22	come to order.	[22]	Tom Hardiman has achieved this outstanding record at an	
[23	We are pleased to see so many of our colleagues here.	[23]	carly age of 37, and he comes to this Committee within a few	
[24	It looks like we almost have a quorum. This is great.	[24]	days of the retirement of Chief Judge Edward Becker, Chief	
(25	We want to issue a special welcome to all of our	[25]	Judge of the Third Circuit, who became a Federal judge at	
	Page 2			Page
[1	colleagues from the Senate and to my dear, good friend,	[1]	the age of 37 and has had an extraordinarily distinguished	
[2	Congressman Reynolds from the great State of New York. We	[2]	career, and I think that Tom Hardiman at this vantage point	
[3	are pleased to have you all here to make statements	[39]	has the prospect of an equally distinguished career.	
[4	regarding these nominees, and I am going to submit my	[4]	Now I yield to my colleague, Senator Santorum, if I	
(5	opening statement for the record, because we do have such a	[5]	may, Mr. Chairman.	
[6	large number of folks to speak, and call first upon my	[6]	Senator Chambliss. Senator Santorum?	
[7	colleague on the Committee, Senator Specter, for any			
(8	comments he has regarding a nominee.			
		. 11		

[The prepared statement of Senator Chambliss follows:]

[10] / COMMITTEE INSERT

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[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]	l just want to welcome my colleagues hereSenator
[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.
- 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.
- 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.
- 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 nominces 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.
- 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.
- 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

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- [24] language of the statute and not gone beyond that, because
- [25] public policy is made by the legislature."

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 - 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.
 - Senator Chambliss. Certainly, without objection.
 - [8] Senator Clinton?
 - [9] [The prepared statement of Senator Schumer follows:]
 - [10] / COMMITTEE INSERT

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- [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.
- 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.
- 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.
- 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.

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- 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.

10 Congression Reynolds		Page 30		,	Page 32
For the control of	[1		[10	Congressman Reynolds?	
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REPRESENTATIVE FROM THE STATE OF NEW YORK	[4	to provide program alternatives to incarceration.	,	·	
	[5	He has been a champion for victims of domestic	4		c
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Fig. Forts of us.	ta.		. 7	our proceedings today, and Senator Schumer, members of the	
[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 State States [14] court and one of the most preminent State court's in our [16] All that one has to do is to look at his record, talk [17] to his colleagues, to know that this is a condidate for the [18] Post, and the court of Appeala. [19] on the Second Circuit that he has brought to his experience [19] on the Second Circuit that he has brought to his experience [10] on the New York courts. [21] Now, as we consider Judge with the same distinction [22] to the Appellate Division of the Second Circuit that this will be the first Western New [22] Yorker to serve as an associate pudge of the Second Circuit [23] to mention as well that this will be the first Western New [24] Yorker to serve as an associate pudge of the Second Circuit [25] In our overdue, as I am sure Congressman Reynolds would agree. [26] For 29 years, when we had our has appointment, And It is [27] On the well-and the second Circuit [28] Indicate Western Second Circuit [29] On the New York courts. [20] On the New York courts. [20] On the New York courts. [21] Now, as we consider Judge of the Second Circuit [22] Yorker to serve as an associate pudge of the Second Circuit [23] Indicate Western Second Circuit [24] On the Second Circuit that the western New [25] Yorker to serve as an associate pudge of the Second Circuit [26] On the New York courts. [27] On the Western Second Circuit [28] On the New York courts as a secondate pudge of the Second Circuit [29] On the Second Circuit that this will be the first Western New [20] On the New York courts. [21] On the Second Circuit that this will be the first Western New [22] Yorker to serve as an associate pudge of the Second Circuit [29] On the Second Circuit that this will be the first Western New [20] On the New York courts as a secondate pudge of the Second Circuit [20]	-		i		
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10 State's intermediate court, and for the past of years, he has 100 State's intermediate court, and for the past of years, he has 110 20 years, and it is a pleasure to share with this Committee 110 1	[10	After serving for 7 years on the trial court, he was	1		
13] 20 years, and it is a pleasure to abort with this Committee 140 why I believe the is such a tremendous choice for the United 151 served as an associate judge of New York State shiphest 151 served as an associate judge of New York State Court of Appeals. 151 Served as an associate judge of New York State Supreme Court 152 Sinch Is decidin to the New York State Supreme Court 153 Sinch Is decidin to the New York State Supreme Court 154 Sinch Is decidin to the New York State Supreme Court 155 Sinch Is decidin to the New York State Supreme Court 155 Sinch Is decidin to the New York State Supreme Court 155 Sinch Is deciding to the New York State Supreme Court 155 Sinch Is deciding to the New York Courts 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the Second Great that he has brought to his experience 255 Sinch Court 155 Sinch Is deciding to the Appellate Division of the Supreme Court 155 Sinch Is deciding to the Supreme Court 155 Sinch Is deciding to the Supreme Court 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the New York courts 155 Sinch Is deciding to the Supreme Court 1	[11]	appointed as a justice of the Appellate Division, New York			
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[15] Nation—the New York State Court of Appeals. [16] Nation—the New York State Court of Appeals. [17] to his colleagues, to know that this is a candidate for the Court of Appeals (17) to his colleagues, to know that this is a candidate for the Court of Appeals (18) Received judiciary who will serve with the same distinction (18) on the Second Circuit that he has brought to his experience (20) on the New York courts. [20] on the New York courts. [21] Now, we consider his confirmation, I cannot help but (22) to the Appellate Division of the Supreme Court in 1994 and (23) to the Court of Appeals by Governor Pankt in 1996, Despite (24) for 29 years, when we had our last appointment And it is (24) for 29 years, when we had our last appointment And it is (25) long overdue, as I am sure Congressman Reynolds would agree. [23] Indeed, we are seeing that again body. Nonlinated to (24) to the Appellate Division of the Supreme Court in 1994 and (25) Related Weeley. [24] for 29 years, when we had our last appointment And it is (25) long overdue, as I am sure Congressman Reynolds would agree. [25] long overdue, as I am sure Congressman Reynolds would agree. [26] Serving on this precasinent and essential Court of Appeals (25) a not only endorse Judge Weeley whole-bearedly, but (26) endorse the bijuritian process that leads him to be (27) and the Committee. [27] In this we have someone from the western part of our State. [28] In one only endorse Judge Weeley whole-bearedly, but (27) endorse the bijuritian process that leads him to be (27) and a manue, Judge Weeley's devotion to the law (27) deeply roaded to his community. The Exthusy and (28) their children. [28] deeply roaded to his community, the Exthusy and (29) the Project days see, specified underly about—the law Active in his (28) indicated whether the proposed statement of Senator Cliston follows: [29] On the Project days see, relating to them should what he received driving (28) interest his revoluted that passing to the community has been been bythous, th	[13	scryed as an associate judge of New York State's highest	1	· · · · · · · · · · · · · · · · · · ·	
16 Nation—the New York State Court of Appeals. 17 in 1986, Judge Wesley has cannot the respect and praise of 18 his colleagues, to know that this is a candidate for the 28 life in scolleagues, to know that this is a candidate for the 28 life in scolleagues, to know that this is a candidate for the 28 life in scolleagues, to know that this is a candidate for the 28 life in scolleagues, to know that this is a candidate for the 28 life in scolleagues, to know that this is a candidate for the 28 life in the colleagues and indeed, our entire State, for his 18 life in the late of the late			1		
18 his colleagues and indeed, our entire Bate, for his 19 to his colleagues, to know that this is a candidate for the 28 law. 29 Judge Wesley who will serve with the same distinction 28 law. 29 Judge Wesley was appointed by then Governor Mario Cuomo 28 to the Court of Appeals by Governor Pastis in 1996 and 29 to the Court of Appeals by Governor Pastis in 1996 and 29 to the Court of Appeals by Governor Pastis in 1996 and 29 brakid shared a common thread in their appointments to the 29 to the Court of Appeals by Governor Pastis in 1996 and 29 Pastid shared a common thread in their appointments to the 29 to the Court of Appeals by Governor Pastis in 1996 and 29 Pastid shared a common thread in their appointments to the 29 to the Court of Appeals by Governor Pastis in 1996 and 29 Pastid shared a common thread in their appointments to the 29 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Appeals by Governor Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis in 1996 Despite 20 to the Court of Pastis 20 to the Court of Pastis 20 to the Court of Pastis 20 to th	[14	court and one of the most preciminent State court's in our	[16]	Since his election to the New York State Supreme Court	
169 temperament, intellect, and commitment to and the love of 250 Jaw.	[15]	Nation—the New York State Court of Appeals.	[17]	in 1986, Judge Wesley has earned the respect and praise of	
15 10 his colleagues, to know that this is a candidate for the 16 Federal judiciary who will serve with the same distinction 22 to the Appellate Division of the Supreme Court in 1994 and 22 to the Appellate Division of the Supreme Court in 1994 and 23 to the Court of Appellate Division of the Supreme Court in 1994 and 25 to the Court of Appellate Division of the Supreme Court in 1994 and 26 to the Court of Appellate Division of the Supreme Court in 1994 and 27 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 to the Court of Appellate Division of the Supreme Court in 1994 and 28 the Court of Appellate Division of the Supreme Court in 1994 and 29 to the Court of Appellate Division of the Supreme Court in 1994 and 29 to the Court of Appellate Division of the Supreme Court in 1994 and 29 the first of the Court of Appellate Division of the Supreme Court in 1994 and 29 the first divergent political view, both Governor Paulic in 1994 and 29 the first of the Court of Appellate Division of the Supreme Court in 1994 and 29 the first of the Court of Appellate Division of the Supreme Court in 1994 and 29 the first of the Cour	[16]	All that one has to do is to look at his record, talk	1		
[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. [26] long overdue, as I am sure Congressman Reynolds would agree. [27] What we have someone from the western part of our State [28] serving on this precentinent and essential Court of Appeals. [29] serving on this precentinent and essential Court of Appeals. [30] So I not only endoure Judge Wesley whole-heartedly, but [41] I endorse the bipartisan process that leads him to be [52] noninstant and thank the President for forwarding this [53] noninstated and thank the President for forwarding this [54] on continued and certainly thank his long-time friend and [55] champion, Congressman Reynolds. He will serve with [56] distinction, and we are very proud to offer this nomination [57] to the Appellate Division of the Second Great in 1996 and Department Plank in 1996 and the Committee. [58] If the Committee. [59] to the Countries appointment and casential Court of Appeals. [50] The prepared statement of Senstor Clinton follows: [51] the prepared statement of Senstor Clinton follows: [52] The prepared statement of Senstor Clinton follows: [53] The prepared statement of Senstor Clinton follows: [54] The prepared statement of Senstor Clinton follows: [55] The prepared statement of Senstor Clinton follows: [56] The feed western position the should not to the Low President for the Appeals. [57] The prepared statement of Senstor Clinton follows: [58] The appear of both of our Senstor debuter and Senstor Clinton follows: [59] The prepared statement of Senstor Clinton follows: [50] The prepared statement of Senstor Clinton follows: [51] The prepared statement	[17]	to his colleagues, to know that this is a candidate for the	1		•
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- [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] Scnator Chambliss. Scnator 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.
 - 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] Scnator 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.

111 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.

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- [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:]

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- [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 mc.

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- [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		
	Page 39			Page 41
[1]	Senator Chambliss. Frankly, Judge, one problem that I	[1]	all good lawyers and all good judges are to some degree	
[2]	always have as we engage in these hearings is making sure	[2]	teachers in the sense that they need to explain their	e, a
[3]	that we have people serving on the bench who are judges, and	[3]	positions and/or to educate others with regard to the	
[4]	in the case of Federal judges, judges who are there to	1	opinion that they are writing or the position that they are	•
[5]	interpret the Constitution and not make law, because there		taking as an advocate. So I enjoy immensely the opportunity	
[6]	is that tendency to sometimes move over into that area.	i	to go into the classroom and talk to people, to young people	•
~[7]	You have been a legislator, you have been a judge, and	1	in particular.	
[8]	I would like your comments on that as to what you think with	[8]		
[9]	respect to your philosophy on interpreting rather than	1 -	dad was a truck driver. I am very proud of that. It was a	•
[10]	legislating from the bench, as well as you think your		wonderful experience; I got to ride all over Western New	
[11]	ability to look at the Constitution, follow precedents, and	1	York with him. And my mom was a nurse. Prior to that, she	
[12]	interpret the law.	1	worked in a butcher shop. I always thought that was an	
[13]	Judge Wesley. Mr. Chair, I appreciate the question,	1	interesting switch from butcher shop to being a nurse.	
[14]	and it is a question I think that presents itself regularly	[14]		en e
[15]	to the American people.	1	what it meant to be a lawyer. There were not many shows	
[16]	I live in the town where I was born, the Town of		about law on TV. But I was very fortunate to have met a	
[17]	Livonia, and occasionally I am called to go to the Livonia	1	lawyer, a practicing lawyer in my home town, who talked with	
[18]	Post Office, and every once in a while, someone at the post	ľ	me about it and got me interested in it.	
[19]	office will say, "What was that court thinking about when	[19]	So I try to repay that. I think we have an obligation	
[20]	they did that most recent decision?" I call it "the Livonia		as professionals—we are blessed with the license to	
[21]	Post Office test," and I regularly apply it to some of the	I	practice law-to go back and to spread the good news about	
[22]	writings my colleagues present.	!	practicing law among young people.	
[23]	Senator Schumer mentioned a statement that I had made	[23]	With regard to the second aspect of your question, in	
[24]	at the time of my nomination by Governor Pataki; I reaffirm	1 -	1991, I was the supervising judge of the criminal courts in	
[25]	it. I view myself as having a great deal of healthy respect	ı	the Seventh Judicial District in Western New York. It is a	
	Page 40	<u> </u>		
. [1]	for the wide diversity of opinions and the forum of public			Page 42
	opinion, the legislature, my most recent experience being	Ŀ	seven-county area that goes from Rochester to the	•
	the State legislature, and certainly the national		Pennsylvania border, about 1.5 million people. The primary	
	legislature, the Congress. When one comes from a State like	l	court, though, is located in Monroe County. Monroe County	
	New York, as wide and diverse as New York, and one has the	[5]	is a county of about 750,000 people.	
	opportunity to serve in the State Assembly, one begins to		At that time, there was a backlog of criminal indictments of around 220 indictments or more, most of which	
	appreciate how many different points of view there are in my	ı	were over 6 months in length. And it struck me that there	
	great State, and certainly that is multiplied 10-fold—or	1	were several people who were incarcerated, indigents who	
[8]	50-fold, quite frankly-with regard to the issues that		could not make bail, who had at in the county jail for	
[10]	present themselves in the national Congress.		upwards of 18 months to 2 years before their trial.	•
[11]	My view is to continue to respect the separation of	[11]	It further occurred to me that the victims of the	
[12]	powers and the responsibilities of the Congress and to do my	[12]	crimes for which those defendants were charged had waited	
	job to examine the statutes enacted by the Congress and the	Į.	over a year and a half to 2 years for the court to render	
	plain intent and meaning of those statutes as expressed in		justice.	
	the language therein.	[15]	And finally, it occurred to me that from a prosecutor's	
[16]	Senator Chambliss. Judge, you have been active in	[16]	standpoint, the memories of the witnesses that would be	
	efforts to improve the judicial process, to improve the	[17]	called to testify in those trials might grow dim.	
	fairness and efficiency of criminal courts, and to reach out	[18]	I brought the district attorney together—Howard Rellan	
	to youth groups to help them understand the law. Could you	[19]	happens to be a good friend of Senator Schumer—the public	
[C/J	PICESC CXDISIN to the Committee what you have done in these		defender of Monroe County, a fellow by the name of Edward	4 - 1 - 1 - 1 - 1 - 1 - 1 - 1
	please explain to the Committee what you have done in these	[20]	• • • • • • • • • • • • • • • • • • • •	
[21]	areas and the results that you have achieved?		Nowak, and representatives of the private criminal defense	
[21] [22]	areas and the results that you have achieved? Judge Wesley. I will deal with the second part of the	[21] [22]	Nowak, and representatives of the private criminal defense bar, along with court staff, right from court clerks to	
[21] [22] [23]	Judge Wesley. I will deal with the second part of the question first, Mr. Chair. I have had the opportunity on	[21] [22] [23]	Nowak, and representatives of the private criminal defense bar, along with court staff, right from court clerks to court stenographers to probation officers, and we tried to	
[21] [22] [23] [24]	areas and the results that you have achieved? Judge Wesley. I will deal with the second part of the question first, Mr. Chair. I have had the opportunity on many occasions to go into classrooms. There was a time in	[21] [22] [23] [24]	Nowak, and representatives of the private criminal defense bar, along with court staff, right from court clerks to court stenographers to probation officers, and we tried to look at the system as a whole to see why the system was not	
[21] [22] [23] [24]	Judge Wesley. I will deal with the second part of the question first, Mr. Chair. I have had the opportunity on	[21] [22] [23] [24]	Nowak, and representatives of the private criminal defense bar, along with court staff, right from court clerks to court stenographers to probation officers, and we tried to	

[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 wast 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 Senstor 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.

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 Senstor

[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.

[4] 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] Montesgie and Sewance, 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.

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[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.

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[13] Scnator 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] Senstor 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 Greeneville 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—an

[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

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[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] Scnator 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, 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

I hope to bring to the bench if confirmed by the Senate.
 Senator Chambliss. Gentlemen, let me say to each of

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

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

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

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

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

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

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

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

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

[11] from other members of the Committee-they have until 5 p.m.

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

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

[14] following that,

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

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

[17] adjourned.

[18] Thank you very much.

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

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

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

[22] Court of Appeals.

[23] Scnator Chambliss. I will issue a warning that we will

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

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

[2] [Pauso

[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.

Voice. Are you directing that I be arrested?

[8] [Pausc.]

[9] Senator Chambliss. Outside witnesses are welcome to

[10] submit letters supporting or opposing nominces 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.

[4] 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 discuption 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.]

