

Statement of
The Honorable Chuck Grassley

United States Senator
Iowa
March 2, 2011

Prepared Statement of Ranking Member Chuck Grassley
Senate Committee on the Judiciary

Hearing on the Nominations of:

Goodwin Liu, to be United States Circuit Judge for the Ninth Circuit

Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee

Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida

Claire C. Cecchi, to be United States District Judge for the District of New Jersey

Esther Salas, to be United States District Judge for the District of New Jersey

Wednesday, March 2, 2011

Madam Chair,

On today's agenda are four District Court nominations, and a United States Circuit Judge for the Ninth Circuit. I join you in welcoming the nominees as well as their families and friends.

I will not repeat the biographical information of our nominees, but would note that all of our nominees have some sort of prior federal experience. I commend them for their public service.

This week, we confirmed two more nominees to vacancies in the federal judiciary - both judicial emergencies. We have now confirmed seven nominees during this new Congress, which has only been in session for 19 days. We have taken positive action, in one way or another, on more than half of the 52 judicial nominees submitted during this Congress. So we are moving forward, as I indicated I would do, on consensus nominees.

The primary purpose of this hearing is to review the nomination of Goodwin Liu, nominated to be United States Circuit Judge for the Ninth Circuit. I thank the Chairman for favorably responding to my request for this hearing. I made the request in order to provide the nominee an opportunity to address the many concerns which have been raised, and to allow new members of the committee to question and evaluate the nominee.

While much of this hearing will be focused on Mr. Liu, I do not want our District Judge nominees to feel slighted in any way. Their nominations are important, and I will look forward to their testimony as well.

With regard to Mr. Liu, the committee twice reported his nomination on a 12-7 vote. In addition, the nomination has been returned to the President on more than one occasion. Concerns raised during his prior hearing and in written questions include his writings and speeches; his judicial

philosophy; the public statements, including testimony before this committee; his judicial temperament; and limited experience.

I am concerned about his understanding or appreciation of the proper role of a judge in our system of checks and balances. I want to make certain, as with all nominees, that personal agendas or political ideology will not be brought into the courtroom.

It is ironic that in commenting on the Roberts nomination, Mr. Liu said, "... the nomination ... is a seismic event that threatens to deepen the nation's red-blue divide. Instead of choosing a consensus candidate [the President] has opted for a conservative thoroughbred who, if confirmed, will likely swing the court sharply to the right on many critical issues."

If confirmed, I am concerned that Mr. Liu will deepen the divide on the Ninth Circuit, and move that court even further to the left. Opinions he could author would mean his ideology and judicial philosophy will seep beyond Berkeley, California. His potential rulings will affect individuals throughout the nine-state Circuit, including places like Bozeman, Montana; Boise, Idaho; and Anchorage Alaska.

The Senate has a right to determine the qualifications of judicial nominees. The burden is on a nominee appearing before this committee to demonstrate he or she is suitable for a lifetime appointment to the Court. I would note that in his previous appearance, and in response to written questions, Mr. Liu failed to provide responsive answers to our questions. I hope that performance is not repeated today.

Madam Chairman, I ask unanimous consent that the balance of my statement, regarding the District Court nominees, be entered into the record. I look forward to reviewing their testimony and responses to written questions, which I will submit for the record.

Judge Claire C. Cecchi has been nominated to be United States District Judge for the District of New Jersey. Judge Cecchi graduated from Barnard College/Columbia University in 1986, and then from Fordham University School of Law in 1989. Judge Cecchi's first position out of law school was the Office of Corporation Counsel for the City of New York. From 1992 to in 2006, she worked in private practice in Newark, New Jersey. She was appointed as United States Magistrate Judge for the District of New Jersey in April 2006.

Judge Esther Salas also presently serves as a United States Magistrate Judge for the District of New Jersey, having been appointed in November 2006. She is nominated to be a United States District Judge for the District of New Jersey. Judge Salas received her undergraduate and law degrees from Rutgers University. Upon graduation, she served as a law clerk for Judge Eugene Cody of the Superior Court of New Jersey. After her clerkship, Judge Salas worked at the firm of Garces & Grabler. In September 1997, she began working for the Office of the Federal Public Defender as an assistant public defender.

Roy Bale Dalton, Jr. is nominated to be United States District Judge for the Middle District of Florida. He is a graduate of the University of Florida and the University of Florida Levin College of Law. Mr. Dalton has spent the bulk of his legal career in private practice, both as a solo practitioner and in firms. He was a law partner with our former colleague, Senator Mel Martinez.

Mr. Dalton also spent time as Counsel to Senator Martinez. He presently is a principal at Dalton & Carpenter, P.A. In addition to his role at Dalton & Carpenter, he is also Of Counsel at The Carlyle Appellate Law Firm, where he handles a number of appellate matters.

Kevin Hunter Sharp is nominated to be United States District Judge for the Middle District of Tennessee. Mr. Sharp served in the United States Navy, from 1982 to 1986. He received his B.S. from Christian Brothers College in 1990. After graduating from Vanderbilt University School of Law, he began his legal career as an Associate with Stokes & Bartholomew, P.A. From 1996 to 1997, Mr. Sharp worked as an attorney for the U.S. Congressional Office of Compliance in Washington, D.C. In 1997, he returned to Stokes, Bartholomew, Evans & Petree, P.A. as an Associate, becoming a Partner in 2001. In 2003, he was a Shareholder at Preston & Sharp, P.C. Since 2003, Mr. Sharp has been a Shareholder and Partner at Drescher & Sharp, P.C.