

Alabama School of Law, finishing in the top of his class. He clearly has the intellect to serve on the bench. He practiced law for close to 15 years, which I think is an important attribute of a good judge. He had a broad base of clients, handling civil and criminal issues. He understands the courtroom as a litigant, tried many cases to a verdict as a trial lawyer as an associate and chief and sole counsel on important cases. He has learned how participants in lawsuits should be treated.

In 1999, he joined the State bench. He has shown that he adheres to the rule of law. He is not affected by politics. I talked to a lot of lawyers in the Tuscaloosa area who practice before him. They are very impressed with Judge Coogler. Defense lawyers who thought, well, he had done a lot of plaintiff work, they were a little nervous. They found that he treats people fairly, plaintiffs and defendants, criminal lawyers and prosecutors. They told me they do not win all the time in court, but they believe he is a straight shooter who follows the law. I certainly agree with that and am supportive of him.

His public service extends beyond the courtroom. From 1988 to 1991, he served as a captain in the Judge Advocate General in the Alabama Army National Guard, and he has done more than his share of community service. He served as president of the University of Alabama Law Enforcement Academy Alumni Association, director of the Tuscaloosa Boys and Girls Club since 1999, director since 2000 of a group called FOCUS on Senior Citizens, which aids seniors in remaining independent and active. In addition, he served as the director for Miracle Riders, a program in which mentally and physically disabled children are taught how to ride and care for a horse.

This is a man who has deep connections to his community, high values and high ideals, a proven record of legal competence and integrity. I think he is a great nominee, Mr. Chairman, and I am pleased the President has submitted his name.

Chairman HATCH. Well, thank you, Senator.

Senator SESSIONS. I also would note, Mr. Chairman, he was rated unanimously well qualified, the highest possible rating by the American Bar Association.

Chairman HATCH. Thank you, Senator. That is great praise, as far as I am concerned.

I wonder if we can have all three of you nominees come to the table, and we will swear you all in, if you will remain standing. Please raise your right arms. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHERTOFF. I do.

Justice CALLAHAN. I do.

Judge COOGLER. I do.

Chairman HATCH. Please take your seats. Normally we would take the two circuit court nominees first, but we are going to put all three of you at the table so that we can move expeditiously.

**OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S.  
SENATOR FROM THE STATE OF UTAH**

Chairman HATCH. Let me just say that Consuelo Callahan, our nominee for the Ninth Circuit, has had an exemplary legal career

in California as a successful prosecutor and an esteemed jurist, as has been said by her Senators. During her 10-year career as a prosecutor, she has handled more than 50 jury trials. She also has firsthand experience with breaking the gender barrier. In 1992, she was appointed to the Superior Court of San Joaquin County, where she was the first female and Hispanic to serve on that court. She was also the first female member of the two local social and service organizations. In 1996, Justice Callahan became the first judge from San Joaquin County to be elevated to the California Court of Appeals in more than 73 years. The ten justices that serve with her on the Third Appellate District and work with her every day sent a letter to the Committee praising her skills as a jurist. They write, "Our only reservation in recommending her confirmation is that it will mean a significant loss to our court. We will miss Connie's energy and enthusiasm, her legal skills, and the positive way in which she fulfills her responsibilities as an appellate jurist." I will submit a copy of that letter for the record. Now, her colleagues' loss, in my opinion, is going to be the Federal judiciary's gain, and I have great confidence that the beleaguered Ninth Circuit will greatly benefit from your service there. In fact, I am counting on it.

Michael Chertoff, I can't say enough about Mike Chertoff. I have known him for a long, long time, and his Senators, both Democrats, have praised him very, very well, and he deserves it. He has won high marks in every job he has ever had from both Democrats and Republicans alike for his pro bono service as counsel to the New Jersey State Legislature during its investigation of racial profiling by the State police. He is a very familiar face to all of us here in the United States Senate as a result of his service as Assistant Attorney General for the Criminal Division at the U.S. Department of Justice and service in a whole wide variety of other ways.

I personally know that all of our colleagues or many of our colleagues admire his intellect, his legal skills, and commitment to the rule of law. I think the Bergen County Record said it best when it endorsed Mr. Chertoff's nomination on March 11th of this year. The paper editorialized, "Mr. Chertoff is exactly the type of nominee the Nation needs for Federal judgeships," and then concluded, "Mr. Chertoff is the type of smart, non-ideological high achiever whom Presidents of both parties should consider for the bench." I think that is very high praise, and I, too, firmly believe that Mr. Chertoff will make one of our great Federal appellate judges.

I have known you for a long time, Mike, and I think everybody who knows you knows what a fine person you are and what an outstanding legal mind you have. So we are just honored that you are willing to sacrifice and go on the court where you will make less than the average law review graduate, first year law review graduate. But we are going to try and change that, too. If I have my way, we are going to change that. It just isn't right.

Our sole district court nominee is L. Scott Coogler, who has been nominated for a seat on the Northern District of Alabama bench. Since 1999, Judge Coogler, as our distinguished Senator from Alabama has said, has served on the Alabama Circuit Court, Sixth Judicial Circuit, so he brings depth and experience to this position. Prior to that, he maintained a successful private practice, handling

a wide range of civil and criminal litigation cases, so Judge Coogler knows firsthand the importance of maintaining a solid judicial temperament. And I am particularly impressed that Judge Coogler has shared his expertise by teaching at his alma mater, the University of Alabama Law School, despite the demands of his judicial service.

So we welcome each of you to the Committee. We look forward to hearing your testimony, and I think, why don't we begin with you, Mr. Chertoff, if you have any statement, and I would like you to introduce your family again to us. And if you have a statement, we would be pleased to take that, and then we will go to Justice Callahan and then to Judge Coogler.

**STATEMENT OF MICHAEL CHERTOFF, NOMINEE TO BE  
CIRCUIT JUDGE FOR THE THIRD CIRCUIT**

Mr. CHERTOFF. Thank you, Mr. Chairman. I do not have a statement. I would be delighted to introduce my family again: my wife, Meryl, and my daughter, Emily, and my son, Philip. Stand up for a moment.

Chairman HATCH. Please stand up. I want the wife to stand, too, so we all can see. You have got to stand, too, Mrs. Chertoff.

Mr. CHERTOFF. I also want to thank you, Mr. Chairman, and Senator Sessions and my two Senators, Senator Lautenberg and Senator Corzine, for all of your gracious remarks. It is a pleasure to be before the Committee.

Thank you.

Chairman HATCH. Well, they are not nearly as laudatory as I would like them to be, and I really feel that deeply about your service. And I think others do as well.

[The biographical information of Mr. Chertoff follows:]