

First question addressed by Senator Joe Biden to prospective Supreme Court justice Samuel Alito at the latter's confirmation hearing in 2006

I don't think anybody thinks that you are a person who is not independent. I think that what people are wondering about and puzzled about is not whether you lack independence, but whether you independently conclude that the Executive trumps the other two branches.

They wonder when you back- granted, it is back in 1985 or 1984 when you wrote, I do not question the Attorney General should have this immunity, has absolute immunity. But for tactical reasons," etcetera. So people are puzzled, at least some are puzzled, and so I don't want you to read any of this, at least from my perspective, as I have read it so far, that people think that this is a bad guy. What people are puzzled about with the recusal issue was under oath you said, "I will recuse myself on anything relating to"-and then a case comes up. So they are looking for an explanation. So it is not about whether you are profiting or whether you are, you know, all this malarkey about what you broke judicial ethics. It is a simple kind of thing. You know, you under oath said, "I promise if this ever comes up, I will recuse myself," and then you gave an explanation. You know, it slipped, you forgot, it had been years earlier, etcetera. So don't read it as, you know, this is one of these things where we know you are the people I have spoken to on your court- and it is my circuit-have a very high regard for you, and I think you are a man of integrity. The question is sometimes some of the things you have said and done at least puzzle me. And I would like to--and one of the things-this is not part of the line of questioning I wanted to ask, but I did ask you when you were kind enough to come to my office about the Concerned Alumni of Princeton. Were you aware of some of the other things they were saying that had nothing to do with

ROTC? Because there was a great deal of controversy. I mean, I can remember- can remember this. My son was well, anyway, he ended up going to that other university, the University of Pennsylvania. But I remember, you know, Princeton. I had spoken on campus in the early 1970s. This was a big thing, up at Princeton at the Woodrow Wilson School. And I remember-I didn't remember Bill Frist, but I remember that there was this disavowing, that Bill Bradley, this great basketball star and now U.S. Senator, was, you know, disassociating himself with this outfit, that there was a magazine called Prospect. I remember the magazine. And all I want to ask is: Were you aware of the other things that this outfit was talking about? Were you aware of this controversy going on in 1972?