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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Michael O'NEILL, Chief Counsel and Staff Director
Bruce A. COHEN, Democratic Chief Counsel and Staff Director

November 10, 2005

Honorable Samuel A. Alito, Jr.
c/o Department of Justice
Washington, DC

Dear Judge Alito:

I believe it is important and timely for you to make a full public response on the propriety of your ruling on cases involving Vanguard and Smith-Barney, Inc. at times when you had money invested in Vanguard Mutual Funds and Smith-Barney, Inc. was your brokerage firm.

Based on the judgments of two experts in judicial ethics which have been submitted to the Judiciary Committee, it is my conclusion that there has been no impropriety on your part. Nevertheless, I think it is important that the issues be addressed promptly since a number of senators have expressed concerns about your sitting on these two cases when they were before the Third Circuit.

In Supreme Court nominations which are so important for so many reasons, we have seen issues which may be minor, unmeritorious, or even non-existent, proliferate into major controversies by those who are opposed for other reasons. I know that this issue will be responded to when you complete your questionnaire; but I think it is not advisable to wait until that time which would allow columnists, radio/TV talk shows and your adversaries to speculate on this issue to the detriment of your nomination.

Accordingly, your prompt response for the Committee record will be appreciated.

Sincerely,



Arlen Specter

AS/ph
Via Facsimile