



News Release
JUDICIARY COMMITTEE

United States Senate • Senator Orrin Hatch, Chairman

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Contact: Margarita Tapia, 202/224-5225

**Statement of Chairman Orrin G. Hatch
 Before the United States Senate Committee on the Judiciary
 Hearing on the nomination of**

**John G. Roberts, Jr., for the
 U.S. Court of Appeals for the D.C. Circuit**

I am pleased today to welcome to the Committee four outstanding nominees. We will consider three judicial nominees: John Roberts for the District of Columbia Circuit, David Campbell for the District of Arizona, and Maury Hicks for the Western District of Louisiana. We will also hear from Will Moschella, who has been nominated to be Assistant Attorney General for the Office of Legislative Affairs at the Department of Justice Office.

Let me say a few words about our first nominee, John Roberts, who has quite a history as a judicial nominee. He was originally nominated for a seat on the D.C. Circuit more than 11 years ago by the first President Bush, but was never given a hearing and was never confirmed. He was renominated by the current President Bush on May 9, 2001, but he did not receive a hearing in the 107th Congress. He was then renominated for the third time this past January. All told he has been nominated by two different presidents on 3 separate occasions for the federal appellate bench.

The Committee finally held a hearing on Mr. Roberts's nomination on January 29, 2003. During that marathon hearing, which started at 9:30 a.m. and did not end until after 9:00 p.m., he answered every question that he was asked in a precise and informative manner. He also answered myriad written questions submitted to him after the hearing - more than 70, to be precise. The Committee favorably reported his nomination for consideration by the full Senate with bipartisan support: All ten Republican Members of the Committee voted for Mr. Roberts, along with four Democratic Members. However, pursuant to an agreement between the Republican and Democratic Senate leadership, I have asked Mr. Roberts to return for this hearing with the clear understanding that his nomination will move to the Senate floor for an up or down vote without undue delay. This means that, pursuant to our agreement, the Committee will vote on Mr. Roberts's nomination a week from tomorrow, which is Thursday, May 8. Any written questions should accordingly be submitted to Mr. Roberts and the other nominees no later than 5:00 p.m. on Friday, May 2.

Mr. Roberts is widely considered to be one of the premier appellate litigators of his generation. His legal accomplishments are superb and include a remarkable 39 arguments before the United States Supreme Court. His record leaves no doubt that he is mainstream and fair.

During the course of his career, he has argued both sides of the same issue in different cases, demonstrating that he is indeed a lawyer's lawyer. He has also represented parties from all sides of the political spectrum. His clients have included large and small corporations, trade organizations, non-profit organizations, states, and individuals. It is an honor to have such a remarkable legal mind before this Committee.

I would like to make just a few comments about Mr. Roberts's legal background. Upon graduating *magna cum laude* from Harvard Law School, he served as a law clerk for Second Circuit Judge Henry Friendly, and then for Supreme Court Justice William Rehnquist. His public service career included tenure as special assistant to Attorney General William French Smith, Associate White House Counsel, and Principal Deputy Solicitor General. Since 1993, he has been a partner with the prestigious D.C. law firm of Hogan & Hartson, where his practice has focused on federal appellate litigation.

There is no question that Mr. Roberts has the experience and intelligence to be an outstanding federal appellate judge. And if the support for his nomination from his peers is any indication, he also has the requisite judicial temperament and unbiased fairness that are the hallmarks of truly great judges. One letter the Committee received is from *156 members* of the D.C. Bar, all of whom urge Mr. Roberts's swift confirmation. The letter is signed by such legal luminaries as Lloyd Cutler, who was White House Counsel to both President Carter and President Clinton; Boyden Gray, who was White House Counsel to the first President Bush; and Seth Waxman, who was President Clinton's Solicitor General. The letter states:

"Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge."

Another letter is from 13 of Mr. Roberts's former colleagues at the Solicitor General's Office. This letter states, "Although we are of diverse political parties and persuasions, each of us is firmly convinced that Mr. Roberts would be a truly superb addition to the federal court of appeals. . . . Mr. Roberts was attentive and respectful of all views, and he represented the United States zealously but fairly. He had the deepest respect for legal principles and legal precedent - instincts that will serve him well as a court of appeals judge."

Others echo these sentiments. Clinton Solicitor General Seth Waxman called Mr. Roberts an "exceptionally well-qualified appellate advocate[]." Another Clinton Solicitor General, Walter Dellinger, said, "In my view . . . there is no better appellate advocate than John Roberts." And Yale Law Professor provided this personal glimpse: ". . . I asked Mr. Roberts whether he would be comfortable taking me - a Democratic young lawyer - under his wing. His response: 'Not only would I be comfortable with it, I want you here because I want to learn what others who may at times see the world differently than I think.'"

In my view, this is precisely the type of person we want to see confirmed as a federal appellate judge -- one who will be respectful of all sides of an argument and who will follow the law, not some personal agenda, in deciding which party should prevail. I have every confidence that John Roberts will make a sterling addition to the D.C. Circuit, and I look forward to hearing from him today.

I will reserve my remarks about the other nominees we are considering until their panels are called forward.

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