since Maury was a freshman in law school at LSU and have watched him practice law in my home town of Shreveport for a number of years. And I can tell you without reservation that Maury Hicks is a very well respected member of the bar in Shreveport. He has extensive experience at the bar in court. He is an accomplished litigator. He has with him today his family: his wife Glynda, his children Christy and Tyler. He also has with him some friends from the Shreveport area, and just to show you how well respected Maury is in the bar in Shreveport, he brought with him both defense attorneys and plaintiffs' attorneys, and they are all for him. So I think that will tell you how well respected Maury Hicks is.

Maury is smart. He is honest. He is a hard worker. He is everything I think we want in a Federal district judge. He will be welcomed by the bar in the Western District because I know that Maury will be the kind of judge that lawyers in any part of our country would appreciate. He will work hard. He will get the job done. He will be fair.

And so I recommend without hesitation Maury Hicks as the next Federal judge from the Western District of Louisiana.

Chairman HATCH. Well, thank you, Congressman. We appreciate that. Mr. Hicks certainly has to be very pleased to have both of you come and testify for him. Thank you for being here. We appreciate it.

Representative MCCRERY. Thank you.

Senator BREAUX. Thank you.

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

Chairman HATCH. We will make our statements now. 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, and all told, he has been nominated by two different Presidents on three separate occasions for the Federal appellate bench over the last 12 years.

The Committee finally held a hearing on Mr. Roberts' nomination on January 29th of this year, and during that marathon hearing, which started at 9:30 a.m. and did not end until approximately 9:30 that night, he answered every question that he was asked in a precise and informative manner. He also answered a 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. In fact, our agreement

was within a week after we finally move you out of Committee. Now, this means that, pursuant to our agreement, the Committee will vote on Mr. Roberts' nomination a week from tomorrow, which is Thursday—you will be put on tomorrow's markup, but literally I am putting you over until next Thursday so our colleagues will have enough time to submit any written questions they desire. Any written questions should accordingly be submitted to Mr. Roberts and the other nominees no later than 5:00 p.m. on Friday, May 2nd.

Now, Mr. Roberts is widely considered to be one of the premier appellate litigators of his generation. His legal accomplishments are superb, including a remarkable 29 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. So it is really an honor to have such a remarkable legal mind before this Committee.

Senator Warner did comment about some of Mr. Roberts' legal background. No question he had great academic credentials at Harvard College and later Harvard Law School. He served as law clerk for Second Circuit Judge Henry Friendly, one of the pillars of judicial matters throughout many years, 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 and Hartson, where his practice has focused on Federal appellate litigation.

Now, 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' 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' 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."

Now, 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 one 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, Mr. Roberts 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 personally 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 they are called forward.

So, with that, we will turn to the ranking member, and then we will go to questions.

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator LEAHY. Thank you, Mr. Chairman, and I also welcome John Roberts here again, having been nominated to the U.S. Court of Appeals for the District of Columbia Circuit. And I am pleased that in this hearing he can have the undivided attention that a lifetime nomination to this most important circuit deserves, and I look forward to hearing his answers to our questions.

When last he was here, he was flanked by two other circuit court candidates—Sixth Circuit nominees Jeffrey Sutton and Deborah Cook. Mr. Roberts will recall that on that long day which stretched way into the evening, the overwhelming majority of questions were not to him at all. They were directed to Mr. Sutton, with others to Judge Cook, and he sort of got barely—we barely had time to even talk to him. So today we are going to have a chance to focus on him in our effort to determine what kind of a judge he would be if he was confirmed. We regret that he was thrown into that most unusual hearing earlier this year. I think it was unfair to him and actually to the other nominees, but especially to the American public because the District of Columbia Circuit is a most important one. It is a circuit to which President Clinton nominated two outstanding individuals during his second term. They were not allowed to have votes by this Committee because the Republicans de-