

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-

cided they should not be allowed to have votes. So given its special jurisdictional responsibilities, the District of Columbia Circuit is a most important circuit. I wish that the obstruction of President Clinton's nominees could have been remedied in trying to get some balance in the courts, but the President has decided—and this is his right to decide who he wants to go forward with, but he has decided to divide, not unite, on this matter.

I do appreciate what the Chairman has done in having this hearing. It shows how quickly we can move things when we work together, just as the Chairman and I have been working together since I held a hearing last year on asbestos reform and he has held one this year on asbestos reform. And for some of you who are interested, I think the work of Senator Hatch, myself, and a number of other interested members on both sides are coming to fruition. For the first time in years on this complex subject, I actually think, Orrin, we are actually coming close to a solution, and it shows what can happen when we work together.

Then we are going to hear from district court nominees Maurice Hicks of Louisiana and David Campbell of Arizona. Both attorneys have the support of their home State Senators.

Then we have before us the nomination of William Moschella to be Assistant Attorney General in the Office of Legislative Affairs at the Department of Justice. It is an important office, especially as the Justice Department has been really less than responsive to both the House and the Senate in requests for information. Since September 11th, many of us have been calling for and working for appropriate oversight. I submitted many oversight letters to the Justice Department containing requests for information that have not been responded to, as have a number of Republican Senators. The Justice Department is required to respond to Congress' requirements for reports about various programs that it funds, and it has not done that. For example, they are required to report regarding the current and future use of technologies being developed by the Total Information Awareness project at the Defense Department.

So I look forward to hearing how Mr. Moschella works on this. Many of us have worked with him when he was at the House Judiciary Committee, and I know that both Chairman Sensenbrenner and Chairman Hyde, two friends of mine, two people I have a great deal of respect for, think the world of him. I know a lot of the members in the Committee, both Democrats and Republicans, respect his integrity, ability, and commitment. I might say that I share those feelings.

So I hope he won't forget his roots here. Obviously, his first responsibility has to—and I am going out on a limb here sort of predicting that he will get through okay. His first responsibility has to be to the administration that is appointing him, but I hope he realizes that there has been a lot of concern expressed by both Republicans and Democrats about the lack of responsiveness from the Department of Justice. And we are all counting on him to correct that. No difficult task there.

So, Mr. Chairman, I thank you for having these hearings. Again, I thank you for your work and cooperation on the asbestos thing, and I think that between the two of us we are finally going to—

I think we have a real opportunity to bring this perplexing matter to conclusion, to be a benefit to the victims, be a benefit to the companies, a benefit to the American economy, and I think that the court systems will probably breathe a huge sigh of relief if we are able to do that.

Chairman HATCH. Well, thank you, Senator.

Mr. Roberts, if you will stand and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROBERTS. I do.

Chairman HATCH. Thank you. Mr. Roberts, we welcome you again to the Committee. We are honored to have you back, and do you have any statement you would care to make?

**STATEMENT OF JOHN G. ROBERTS, JR., NOMINEE TO BE
CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Mr. ROBERTS. No, Mr. Chairman, other than to introduce my parents, Jack and Rosemary Roberts; my sister, Peggy; and my wife, Jane.

Chairman HATCH. Please stand up. We are really happy to welcome you all here once again. Okay.

[The biographical information of Mr. Roberts follows:]