

Testimony of

The Honorable Orrin Hatch

April 30, 2003

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

William Moschella for Assistant Attorney General for Legislative Affairs

I would like to start our final panel of the day by welcoming Mr. Moschella before the Committee and congratulating him for being nominated by President Bush. It is a true pleasure to

have Mr. Moschella before the Committee. His impressive background and past government service make me confident that he will be a great asset to the Department of Justice, the Committee and the American people.

The Assistant Attorney General for Legislative Affairs serves as the legislative liaison between Congress and the Department of Justice. Some of the staff, and indeed many Members, might argue that this position is the most important position at the Department.

The Office of Legislative Affairs must represent the interests and opinions of the Department before Congress. This is no small task, given the number of important issues facing our country today. The Office also internally coordinates testimony given before the Senate and the House of Representatives. Furthermore, the Office reviews legislation proposed by other departments with the Office of Management and Budget and other executive branch agencies.

Mr. Moschella is well prepared for heading this important office. He has served in a number of government positions and is very familiar with the inner workings of Congress. From 1990 to 1997, Mr. Moschella held a variety of positions for Congressman Frank Wolf while he attended law school at George Mason University. From 1997 to the present, Mr. Moschella served on the House Committee on Government Reform, the House Committee on Rules, and, most recently, the House Committee on the Judiciary. While at the House Judiciary Committee, he has served in a variety of roles, including Chief Investigative Counsel and Chief Legislative Counsel under the leadership of current Chairman James Sensenbrenner. Mr. Moschella earned a reputation for being a fair-minded and diligent Chief Counsel, who developed a detailed and thorough understanding of the inner workings of the Department of Justice.

I understand that Chairman Sensenbrenner wanted to testify today but was unable to do so because of a prior commitment. He has sent a letter to the Committee in support of Mr. Moschella's nomination. I also note that the Committee has received letters of support from Congressman Conyers, the Ranking Member of the House Judiciary Committee, and from Virginia Senator George Allen. I will submit all of these letters for the record.

Mr. Moschella's experience in Congress, along with his significant experience in working with the Justice Department on a variety of issues, make him well qualified to serve as the Assistant Attorney General for Legislative Affairs, and our liaison with the Department.

Let me close by again expressing my pleasure in having such a well qualified nominee before us today. I am hopeful that this Committee and the Senate as a whole will move quickly to confirm him.

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

David G. Campbell for the U.S. District Court for the District of Arizona and
S. Maurice Hicks, Jr., for the U.S. District Court for the Western District of Louisiana

I would now like to welcome to the Committee the two district nominees we will consider today. I think we can all agree that they have exhibited great patience here today, an attribute that will serve them well as federal trial judges. Both of these nominees have been introduced and lavished with praise by their home state senators and, in the case of Mr. Hicks, two congressmen as well, so I will keep my remarks brief.

David Campbell, our nominee to the U.S. District Court for the District of Arizona, has a wealth of legal experience that will serve him well on the federal bench. I must say that he demonstrated excellent judgment early on by choosing to attend law school at the University of Utah. Upon graduation, Mr. Campbell clerked for Ninth Circuit Judge Clifford Wallace, and for then Associate Justice William Rehnquist on the United States Supreme Court. He joined the law firm of Meyer, Hendricks, Victor, Osborn & Maledon in 1982 and became a partner there in 1986. Since 1995, Mr. Campbell has been a partner at Osborn Maledon where he practices in the area of general civil litigation. In addition to his distinguished legal career, Mr. Campbell has been a great asset to his community and has donated many hours of pro bono service and volunteer time to help individuals and families in need in his community.

Maurice Hicks, our nominee for the Western District of Louisiana, has also had a distinguished legal career. Upon graduation from Louisiana State University Law School, Mr. Hicks worked for the Louisiana Legislative Council. He then embarked on a 25-year career in private practice. A founding partner of his law firm, Mr. Hicks has developed an expertise in commercial and insurance-related litigation, torts, and intellectual property claims. Despite the demands of his practice, he has also devoted time in his legal career for pro bono work, including preparing wills for the elderly and working with adjudicated juveniles. Mr. Hicks's extensive experience and familiarity with the courtroom will serve him well on the federal bench.

I welcome both of these fine nominees to the Committee, and I look forward to hearing from them.

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