

Testimony of

The Honorable Patrick Leahy

April 30, 2003

Statement of Senator Patrick Leahy
Judiciary Committee Hearing
On the Nomination of John Roberts
To the Court of Appeals for the District of Columbia
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We welcome John Roberts, who is nominated to the United States Court of Appeals for the District of Columbia Circuit. I am pleased that Mr. Roberts will receive the undivided attention that a lifetime nomination to this circuit deserves, and I look forward to hearing his answers to our questions. When we last saw Mr. Roberts he was flanked by two other circuit court candidates -- Sixth Circuit nominees Jeffrey Sutton and Deborah Cook. As he will recall, the overwhelming majority of questions during that marathon hearing were directed to Mr. Sutton. Today, we will have a chance to focus on Mr. Roberts in our effort to determine what kind of judge he would be if confirmed. That Mr. Roberts' hearing is occurring today is no fault of his nor of Democratic Members of this Committee. We all regret that he was thrown into that most unusual hearing earlier this year.

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. Both were denied Committee votes by the Republican majority. That action has led to the possibility of imbalance on that Court. Given its special jurisdictional responsibilities, the District of Columbia Circuit is a most important circuit. The obstruction of President Clinton's nominees has yet to be remedied in any regard despite efforts that I and others have made to overcome the errors of the recent past, while seeking a measure of justice, balance and accommodation.

Next, we will hear from district court nominees Maurice Hicks of Louisiana and David Campbell of Arizona. Both of these attorneys have the support of their home-state Senators for nomination to the district court. I look forward to hearing their testimony.

Finally, 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. This office serves as the liaison between the Justice Department and Congress. From my personal perspective, this is an especially important appointment at the moment because the Justice Department has been less than responsive to this Senate's requests for information. In the wake of September 11th and the corresponding expansion of federal law enforcement practices, many of us have been calling for and working for appropriate oversight. I have submitted many oversight letters to the Justice Department containing requests for information that even now await any response. In addition, the Justice Department is required to respond to Congress's requirements for reports about various programs that it funds. For example, as part of an amendment Senator Wyden and I

offered to omnibus appropriations legislation, the Justice Department is required to contribute to a report regarding the current and future use of technologies being developed by the Total Information Awareness project at the Defense Department.

I look forward to hearing how Mr. Moschella will work to improve the quantity and the quality of the Justice Department=s communication with Congress. Many of us know Mr. Moschella and worked with him as he served on the staff of the House Judiciary Committee. I know that Chairman Sensenbrenner and Chairman Hyde think the world of him and know that others on the Committee, both Democrats and Republicans, respect his integrity, ability and commitment. I share their positive view of Mr. Moschella. I trust that he will not forget his "roots" and that he will be working to ensure that questions and concerns from members from both sides of the aisle and from both chambers of Congress get the attention of the Department and receive responsive answers.

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