

Testimony of

The Honorable Orrin Hatch

June 11, 2003

Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Hearing on the Nomination of

William H. Pryor, Jr.,

to be United States Circuit Judge for the Eleventh Circuit

I am pleased to welcome to the Judiciary Committee this morning the Attorney General of Alabama, William Pryor, whom President Bush has nominated to fill a judicial emergency on the United States Court of Appeals for the Eleventh Circuit.

Both Senator Sessions and Senator Shelby are here to introduce General Pryor, and so is Congressman Joe Bonner. I know that they, like many Alabamans, are strong supporters of General Pryor: In his last election, General Pryor garnered more than 59% of the vote, and if the letters of support for his nomination are any indication, the majority of Alabama people supporting him were not all Republicans. Let me share with you some of the letters that prominent Democrats have written about General Pryor.

Joe Reed, chairman of the Alabama Democratic Conference, which is the state party's African-American caucus, writes that General Pryor "will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. . . . I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am persuaded that in General Pryor's eyes, Justice has only one label - Justice!"

Judge Sue Bell Cobb, who sits on the Alabama Court of Criminal Appeals, stated, "I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals."

And Congressman Artur Davis encouraged President Bush to nominate General Pryor, declaring his belief that "Alabama will be proud of his service."

I will submit copies of these letters for the record, along with copies of the other many letters from Democrats and Republicans, men and women, and members of African-American, Jewish, and Christian communities who support Bill Pryor's nomination.

It is fundamental that a state attorney general has the obligation to represent and defend the laws and interests of his state. General Pryor has fulfilled this responsibility admirably by repeatedly defending the public fisc and the laws and policies enacted by the Alabama legislature. But one of the reasons for the broad spectrum of support for General Pryor is his demonstrated ability to set aside his personal views and follow the law. As you will undoubtedly hear during the course of this hearing, General Pryor is no shrinking violet. He has been open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to represent them. Yet General Pryor has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law.

For example, in 1997, the Alabama legislature enacted a ban on partial birth abortion that could have been interpreted to prohibit abortions before viability. General Pryor is avowedly pro-life, and has strongly criticized *Roe v. Wade*, so one might very well have expected General Pryor to vigorously enforce the statute. Instead, he instructed law enforcement officials to enforce the law only insofar as it was consistent with the Supreme Court's precedents of *Casey* and *Stenberg v. Carhart* - despite pressure from many Republicans to enforce broader language in the act.

Here's another example: I am sure that we will hear today about General Pryor's call for modification or repeal of section 5 of the Voting Rights Act, which requires Department of Justice preclearance. By the way, General Pryor is not alone in his opinion of section 5; the Democratic Attorney General of Georgia, Thurbert Baker, has called section 5 an "extraordinary transgression of the normal prerogatives of the states." Despite his opinion that section 5 is flawed, General Pryor successfully defended before the Supreme Court several majority-minority voting districts approved under section 5 from a challenge by a group of white Alabama voters. He also issued an opinion that the use of stickers to replace one candidate's name with another on a ballot required preclearance under section 5.

Yet another example involves General Pryor's interpretation of the First Amendment's Establishment Clause. In an effort to defeat challenges to school prayer and the display of the Ten Commandments in the Alabama Supreme Court, both the Governor and the Chief Justice urged General Pryor to argue that the Bill of Rights does not apply to the states. General Pryor refused, despite his own deeply held Catholic faith and personal support for both of these issues.

And here's my final example: General Pryor supported the right of teachers to serve as state legislators, despite intense pressure from his own party, because he believed that the Alabama Constitution allowed them to do so.

These examples aptly illustrate why General Pryor's nomination enjoys broad bipartisan support from persons like former Democratic Alabama Attorney General Bill Baxley. He observed of General Pryor, "In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment." Mr. Baxley continued, "I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fair minded, intelligent, industrious men and women, possessed of impeccable integrity on the Eleventh Circuit. Bill Pryor has these qualities in abundance. . . . There is no better choice for this vacancy."

During the course of this hearing, we will hear many things about Bill Pryor. We will hear many one-sided half-truths perpetuated by the usual liberal interest groups who will stop at nothing to defeat President Bush's judicial nominees. I want to make sure that this hearing is about fairness, and about telling the full story of Bill Pryor's record.

We will hear that General Pryor is devout pro life Catholic who has criticized *Roe v. Wade*, but the rest of the story is that many prominent Democrats, such as Justice Ruth Bader Ginsburg and former Stanford Dean John Hart Ely have also criticized *Roe* without anyone questioning their recognition of it as binding Supreme Court precedent.

We will hear claims that General Pryor is against the disabled and elderly, but the real story is that General Pryor has done his duty as Attorney General to defend his state's budget from costly lawsuits. Other state attorneys general, including respected Democrats like Bob Butterworth of Florida and now Senator Mark Pryor of Arkansas, have taken the same positions as General Pryor in defending their states. And while the Supreme Court agreed with the attorneys general in these cases that the Eleventh Amendment protects states from monetary damages in federal court, these rulings did not affect - and General Pryor did not seek to weaken - other important methods of redressing discrimination, like actions for monetary damages under state law, injunctive relief, or back pay.

We will hear claims that General Pryor's criticisms of Section 5 of the Voting Rights Act indicate a lack of commitment to civil rights. But the real story is that General Pryor has a solid record of commitment to civil rights, which includes defending majority-minority voting districts, leading the battle to abolish the Alabama Constitution's prohibition on interracial marriage, and working with the Clinton Administration's Justice Department to prosecute the former Ku Klux Klansmen who perpetrated the bombing of Birmingham's 16th Street Baptist Church, which resulted in the deaths of four little girls in 1963.

We will no doubt hear other claims during the course of this hearing distorting General Pryor's record or presenting only partial truths. I want to urge my colleagues, and everyone here, to listen closely so that the real story is heard. I think those who listen with an open mind may be surprised, and even impressed. I look forward to hearing General Pryor's testimony.

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Statement of Chairman Orrin G. Hatch

Before the United States Senate Judiciary Committee

Hearing on the Nomination of

Diane Stuart for Director, Office on Violence Against Women, Department of Justice

I would like to start by welcoming Ms. Stuart before the Committee and congratulating her for being nominated by President Bush. It is a true pleasure to have Ms. Stuart here today. Her impressive background and dedication to the issues of domestic violence and violence against women, as well as her past government service, make me confident that she will continue to be a great asset to the Department of Justice, this Committee and the American people.

Since it was created in 1994, The Office on Violence Against Women has played a vital role in protecting our children and women from the tragedy of violence and abuse. I have been - and will continue to be - a strong supporter of the Office, along with my colleagues, Senator Biden, Senator Leahy, Senator Specter, Senator Schumer, and others on this Committee.

Since 2001, Diane Stuart has demonstrated her ability to lead this important office, to bring new energy and focus to its many missions, and to continue to help our Nation's women and children who fall victim to abuse and violence. Ms. Stuart is a dedicated public servant who has a long-standing record of accomplishment in promoting programs and policies to protect women from violence.

Anyone who knows Diane Stuart also knows that her public service and commitment to this area began long before 2001 when she assumed the position of Director of the VAWA Office. From 1989 to 1994, Ms. Stuart served as the Executive Director of the Citizens Against Physical and Sexual Abuse from Logan, Utah, where she was responsible for a 20-bed shelter for victims of domestic violence and a rape crisis center. From 1994 to 1996, Ms. Stuart was a Victim Advocate Specialist for the State of Utah in Salt Lake City. From 1996 to 2001, she served as the State of Utah's Coordinator for the Governor's Cabinet Council on Domestic Violence. Finally, from 1995 to 2001, she served as a member, and later became spokesperson for, the National Advisory Council on Violence Against Women.

With such an impressive background, at both the State and Federal level, I am confident that Diane Stuart is the right person for this critical post at the Justice Department. I am hopeful that this Committee and the Senate as a whole will move quickly to confirm her.

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