

ity. I think Steve Breyer on the highest court can contribute to the dispensation of that precious commodity called justice.

I would like to mention briefly industriousness. It is relevant to this appointment to note that Steve Breyer is one of the hardest working people that I know. His thoroughness and preparation for our meetings on the Commission was key to his ability to serve as a stimulus for compromise. Not only was it necessary for him to research and think through his own perspective or position on subject issues, but it was necessary for him to examine the issues from a variety of perspectives.

His penchant for hard work and thorough preparation, along with his God-given wisdom, enabled him to synthesize the various seemingly dissimilar ideas sufficiently to be the leader in effecting compromise on numerous occasions.

I would be remiss, if I failed to note his temperament, his pleasant disposition and respectful treatment of staff and other individuals with whom he had contact on a routine basis.

Finally, Judge Stephen Breyer is a man who can relate to all Americans, and he is fair, a man of great integrity and sound judgment. He is a decent human being. I am confident that should you confirm him, he will through his service on the Court bring great honor on this committee, President Clinton and to our Nation.

[The prepared statement of Ms. Corrothers follows:]

#### PREPARED STATEMENT OF HELEN G. CORROTHERS

##### CURRICULUM VITAE

Aug 1993 recipient of her profession's highest award, the E.R. Cass Correctional Service Award from the American Correctional Assn.

A native of Pine Bluff, Arkansas, Helen G. Corrothers recently completed a term of office as the President of the American Correctional Association, the largest correctional association in the world. In 1985, she was appointed by President Ronald Reagan to the post of Commissioner, United States Sentencing Commission. She served in this capacity from October 1985–November 1, 1991. The Commission's purpose is to meet the Congressionally imposed mandate, which includes the establishment of sentencing policies and practices for the federal criminal justice system that meet the established purposes of sentencing and ensure certainty and fairness while avoiding unwarranted sentencing disparities among like defendants. Corrothers received her first appointment from President Reagan in 1983 to the United States Parole Commission. In addition to her national policy development and formulation responsibilities, she assumed command in January, 1984, for the fourteen-state Western Region with headquarters in Burlingame, California. This position included responsibility for administration, release decisions, the training of several hundred probation officers and quasi-judicial duties to include the issuance of summons, warrants, and subpoenas that were implemented by the United States Marshals Service.

Prior to her federal posts, she was Superintendent/Warden of the Women's Correctional Facility for the State of Arkansas. Violent offenders consistently constituted the bulk of the prison population throughout her tenure. She developed a successful program of administration and rehabilitation and ensured the facility's recognition through receipt of national accreditation. Additionally, she is a veteran. She advanced through the ranks in the United States Army from Private to Captain and served with distinction in the Far East, Europe, and the United States. She was Distinguished Military Graduate from Officer Leadership School and has received the Good Conduct Medal, the National Defense Service Medal, and the Army Commendation Medal.

She has served on numerous local, state, and federal policy-making boards, has extensive experience in the Criminal Justice field and has received numerous awards for her contribution to the field of corrections. She is currently an officer and member of the Executive Committee of the American Correctional Association; an officer and member of the National Board of Directors for the Volunteers of America, Inc.; and member of the National Board of Directors for The National As-

sembly of National Voluntary Health and Social Welfare Organizations, Inc. She is included in the "International Directory of Distinguished Leadership" and is featured by the Marquis Publication Board in their editions of "Who's Who of American Women" and "Who's Who in the World."

Mr. Chairman, members of the committee, my name is Helen G. Corrothers. I am from Pine Bluff, Arkansas. A retired member of the United States Sentencing Commission and currently a Visiting Fellow, conducting a research project, at the National Institute of Justice. I appreciate the opportunity to appear before the committee today to support the nomination and recommend confirmation of the Chief Judge, United States Courts of Appeals, First Circuit, Stephen Breyer for the post of Associate Justice, United States Supreme Court.

I would like to offer, what may be for you, a different kind of testimony. You have no doubt been inundated with opinions attesting to Judge Breyer's important educational and professional credentials, with statements about his wit, keen intelligence and knowledge and I agree with all of these assessments. But, I invite you to share my perspectives concerning Steve Breyer as an associate and fellow human being in a professional setting.

Steve and I were colleagues at the U.S. Sentencing Commission and I am going to address the qualities and traits that I observed during that period. It is important to consider the fact that at the beginning of our work effort, it was necessary for us (during a short period of time) to find office space, hire staff, develop an organizational structure, begin and complete the initial set of guidelines (an unprecedented task), and at the same time deal with numerous issues concerning each area of concern addressed by the guidelines. During this early period and at different points later, long hours and hard work proved to be routine. It was a time when seven people, all eager to make a personal contribution to the product were faced with the knowledge that there was not an automatic consensus on important issues. Hectic periods of this sort often bring out the worst traits in people. It is meaningful for you to know that it is from this "in the trenches" perspective that I saw Steve Breyer's true character. Also, it will be necessary for me to examine Judge Breyer's qualities against the background of my own personal values.

The first trait to be mentioned is Steve Breyer's ability to relate to persons from diverse backgrounds.

Judge Breyer is from a world of privilege, from the western and northeastern part of the country. Conversely, I am from a background of poverty, from the southern part of the country. As a woman, born of African descent, in the rural segregated south, it would not be surprising if we failed to relate to each other. However, I found that I could relate to him and his ideas. I also noted that as Steve Breyer listened to my opinions on various matters over the years, that he had the extraordinary ability to not just listen, but to hear and to comprehend the information. He understood, that each commissioner brought a different strength and perspective to the commission and that we each, had something of import to share. Moreover, He could later articulate or accurately communicate our views in subsequent discussions or in his famous (amazingly clear) "summations" or review of all matters covered before decisions were made.

Why do I value this attribute?

We are a diverse nation, we have different professions, there are differences that are physical, such as race, gender and age. Additional differences are less visible, but also important, such as cultural heritage, personal background, functional expertise, and certain strengths and skills which are inherited and learned. The nation is best served if the justices on the court of last resort are able to understand then communicate and articulate that understanding, as the law is construed and applied to particular situations.

The second relevant trait—Accountability. Because of the death of my father when I was 2 years old, my mother proved to be the sole source for a personal value system, that I still treasure today. The work ethic and accountability are high on the list. I believe Steve Breyer holds the same commitment to the importance of accountability in a criminal justice system that strives for effectiveness. Such a system must be strong on accountability and replete with fairness.

Fairness. The Commission's overall goal and our mandate from Congress was to provide a structure and framework for sentencing decisions so that similar offenders who commit similar offenses are sentenced in a similar fashion, or to enhance fairness. Steve Breyer displayed significant sensitivity to our goal and my deep seated concerns for fairness. I came to believe that he, too, cared about this precious entity. Persons coming from my background might view justice as a "hoped for miracle" and fairness as "a scarce and valuable" commodity. I think Steve Breyer, on the

highest court, can contribute to the dispensation of that precious commodity called "justice."

Industriousness. It is relevant to this appointment to note that Steve Breyer is one of the hardest working people I know. His thoroughness in preparation for our meetings on the commission was key to his ability to serve as the stimulus for compromise. Not only was it necessary for him to research and think through his own perspective or position on the subject issues but it was necessary for him to examine the issues from a variety of perspectives. His penchant for hard work and thorough preparation, along with his God given wisdom, enabled him to synthesize the various, seemingly dissimilar ideas, sufficiently to be the leader in effecting compromise on numerous occasions.

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Mr. Chairman, I thank you for this time.

The CHAIRMAN. Thank you very much.

I thank all three of you. Your testimony from three different perspectives of your relationships with Judge Breyer are helpful, meaningful and are very much appreciated by the committee. I know you have all come a long way to be able to make these statements. We appreciate your accommodating the hectic and difficult schedule of the Senate. I thank you all very much for being here.

Mr. CORROTHERS. Thank you, Mr. Chairman.

The CHAIRMAN. Now, our next panel is comprised of a total of four witnesses, I believe all four in opposition to the nomination of Judge Breyer. On this panel is Ralph Nader, founder of the Center for Responsive Law. Dr. Sidney Wolfe is also here. He is director of Public Citizen's Health Research Group.

Also on the panel is Lloyd Constantine, a lawyer in the field of antitrust and a partner in the firm of Constantine & Associates. In addition, Mr. Constantine teaches antitrust law at Fordham University School of Law and is a former assistant attorney general for antitrust enforcement for the State of New York. And Mr. Ralph Estes also joins this panel. Mr. Estes is a professor of business administration at the American University here in Washington. Professor Estes has written in the area of corporate regulation and is currently a fellow at the Center for the Advancement of Public Policy.

I welcome you all. I guess we caught Mr. Nader off-guard with the last panel, and I apologize for that. Unless you all would prefer to proceed in another way, I would suggest we proceed in the order in which you were recognized, Mr. Nader, Dr. Wolfe, Mr. Constantine, and Mr. Estes.

Senator METZENBAUM. Mr. Chairman, before this panel begins, I committed to be elsewhere at 2 o'clock, at a press conference on health care. I am particularly interested in what this panel has to say. I hope to come back before the panel concludes its deliberations, but I do not want to be interpreted that my leaving is from a lack of interest or support. I am very interested in what they have to say, and I just wanted to make that statement before I excused myself in about 5 minutes.

The CHAIRMAN. Thank you, Senator.