

The distinguished members of this Committee can easily see through this argument, for we all know and appreciate that lawyers are duty-bound to be zealous advocates for their clients. Cases argued by Judge Roberts as a Government lawyer or a lawyer in private practice, in my opinion, say little about how Judge Roberts as a Supreme Court Justice will approach cases, other than as he has all his professional life. He approaches matters with great skill, dedication, and earnestness.

It is Judge Roberts's record as a jurist that is most impressive and most persuasive. It is a record that speaks of a judge who understands the role of the judiciary, who approaches each case independently and objectively, who respects history and precedent, who interprets the law based on the facts before him, who does not engage in judicial policymaking, and who will make this country proud as the next Chief Justice of the United States.

I sincerely appreciate the Committee's invitation to speak today and the Committee's careful and deliberate consideration of Judge Roberts's nomination. He is, in my view, an exemplar of what we should seek in our next Chief Justice. Thank you.

[The prepared statement of Mr. Thornburgh appears as a submission for the record.]

Chairman SPECTER. Thank you. Thank you very much, Governor Thornburgh.

Congressman Lewis is voting at the moment.

Do we know how much time is left on the vote? Well, the time has expired, so we are going to go vote and we will return just as soon as we can. The Committee stands in brief recess.

[Recess 12:03 p.m. to 12:31 p.m.]

Chairman SPECTER. The hearing will resume.

Our next witness is Congressman John Lewis of Georgia, an architect of the historic march on Washington in August of 1963; has been the Representative for Georgia's Fifth Congressional District since November of 1986 when he was elected, took office in January; a B.A. in religion and philosophy from Fisk University, graduate of American Baptist Theological Seminary.

Thank you for crossing the Rotunda today, Congressman Lewis, and we look forward to your testimony.

**STATEMENT OF HON. JOHN LEWIS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF GEORGIA**

Representative LEWIS. Thank you very much, Mr. Chairman.

Mr. Chairman and distinguished members of the Committee, I am honored to be here today. As many of you know, this is not the first time I have come before this Committee. I was here 14 years ago when the nomination of another Justice to the Supreme Court moved me to speak out. I am here today with the hope that this Committee will hear my words and take heed.

When I was growing up in rural Alabama I saw those signs that said "White Men, Colored Men," "White Women, Colored Women." I used to ask my parents and my grandparents, "Why racism? Why racial discrimination?" And they would tell me, "Don't get in trouble. Don't get in the way."

As a participant in the civil rights movement of the 1960's I decided to get in the way. I was beaten, arrested and jailed more

than 40 times for peaceful, nonviolent protests against legalized segregation in the South.

During that time I saw American citizens with their head cracked open by nightsticks lying in the streets, weeping from tear gas, trampled by horses and attacked by police dogs, calling helplessly for medical aid.

Back then, legalized discrimination was enforced by State and local officials. The Federal Government was our only hope, and we depended on the Supreme Court to act as referee in the struggle for justice and civil rights.

I remember on one occasion when the Court issued a decision on public transportation, and a elderly black woman was overheard to say, "God Almighty has spoken from Washington."

In 1965, Jurist Roberts was only 10-years-old. He may be a brilliant lawyer, but I wonder whether he can really understand the depth of what it took to get the Voting Rights Act passed. The right to vote is precious, almost sacred. It is the most powerful non-violent tool we have in a democratic society.

As many of you know, I gave a little blood on the Edmund Pettus Bridge, but some of my friends and colleagues gave all they had, their very lives for the right to vote. People stood day after day in unmovable lines to pass their so-called literacy tests. They had to interpret certain sections of the Constitution, count jelly beans in a jar or the number of bubbles in a bar of soap to register to vote.

I feel that if Judge Roberts is confirmed to be the Chief Justice of the United States, the Supreme Court would no longer hear the people's cries for justice. I feel that the leadership of the Court will promote politics over the protection of individual rights and liberties. If the Federal Courts had abandoned us in the civil rights movement in the name of judicial restraint, we might still be struggling with the burden of legal segregation in America today.

Jurist Roberts's memos reveal him to be hostile towards civil rights, affirmative action and the Voting Rights Act. He has even said that Voting Rights Act violations, and I quote, "should not be made too easy to prove." Under the Court's decision in *Mobile v. Bolden*, the Court weakened the Voting Rights Act. Under this ruling many political subdivisions would have been permitted to maintain at large election systems, diluting minority voting strength. This may be less obvious than the violence and intimidation of 1965, but it is no less harmful to our Nation's principles of inclusive democracy.

Section 2 has been successful in reducing barriers, and has increased the number of minority elected officials. There is no doubt, Mr. Chairman, in my mind, that had Judge Roberts's narrow reading of the Voting Rights Act prevailed, fewer people of color would be serving in Congress and at both the State and local level today.

As our Nation is still reeling from Hurricane Katrina, the timing of these hearings could not be more significant. What happened in New Orleans and along the Gulf Coast of Alabama, Mississippi and Louisiana exposed the issue of race, class and fairness yet again. We are still a Nation deeply divided by race and class.

All Americans, every race or every religion or nationality, whether they are women or men, gay or straight, or people with disabil-

ities, all of us need equal access to a fair and independent judiciary to assure equal justice under the law.

The stakes are higher than ever. We cannot afford to elevate an individual to such a powerful lifetime position whose record demonstrates such a strong desire to reverse the hard-won civil rights gains that so many of us sacrificed so much to achieve. We have come a great distance. We cannot afford to stand still. We cannot afford to go back. We must go forward to the creation of one America.

My friends, Members of the Senate, I implore you to get in the way.

Thank you, Mr. Chairman.

[The prepared statement of Representative Lewis appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Congressman Lewis for those very passionate remarks.

Our next witness is Commissioner Jennifer Braceras, U.S. Commission for Civil Rights; taught at the Suffolk Law School as a Visiting Fellow at the Independent Women's Forum; in the year 2000, Massachusetts Lawyers Weekly rated her as one of the State's top ten lawyers of the year. Practiced law with the Boston firm of Ropes & Gray.

Thank you for joining us, Commissioner Braceras, and we look forward to your testimony.

**STATEMENT OF JENNIFER CABRANES BRACERAS, ESQ., COMMISSIONER, U.S. COMMISSION ON CIVIL RIGHTS AND VISITING FELLOW AT THE INDEPENDENT WOMEN'S FORUM, BOSTON, MASSACHUSETTS**

Ms. BRACERAS. Thank you.

Chairman Specter, Senator Leahy, members of the Committee, my name is Jennifer Braceras. I am a resident of Massachusetts and a member of the Massachusetts Bar and the Hispanic National Bar Association. I am, as you said, a Visiting Fellow with the Independent Women's Forum, and I am privileged to serve by appointment of the President as a Commissioner on the United States Commission on Civil Rights.

I am honored to be here today to support the nomination of Judge John Roberts to be Chief Justice of the United States. Although I do not know Judge Roberts personally, I am generally familiar with his background and record. His distinguished career and his testimony before this Committee make clear to even the most casual observer that Judge Roberts is eminently well qualified for the post.

Despite these obvious qualifications, however, opponents of Judge Roberts criticize his record on a variety of matters that loosely fall under the umbrella of civil rights. These critics allege that Judge Roberts's confirmation to be Chief Justice will somehow be harmful to women and minorities. These charges are at best misplaced, and at worst deliberately misleading attacks that would have been leveled against anyone nominated by this President.

There are at least five reasons why such criticisms are without merit. First, many of the specific criticisms of Judge Roberts's record involve positions he advocated as a lawyer in the adminis-