

problem we intend to correct. She successfully represented the University of Michigan in the *Grutter* case, and she served as law clerk to Associate Justice Rehnquist and Seventh Circuit Judge Robert Sprecher.

Thank you for joining us, Ms. Mahoney, and we look forward to your testimony.

**STATEMENT OF MAUREEN E. MAHONEY, PARTNER, LATHAM
AND WATKINS, WASHINGTON, D.C.**

Ms. MAHONEY. Thank you, Mr. Chairman and members of the Committee. It is a real honor to be here today.

Over the past few days, I think all of you and really all of America has gotten to see why so many of us think that Judge Roberts is probably the finest lawyer of our generation. His study of the law, his understanding of the law is absolutely masterful, and he certainly has the legal skills required to be a superb Chief Justice.

Some have, nevertheless, raised some concerns that he may come to the Court committed to implement a partisan agenda and that he may not be fair-minded. I would really like to speak to those concerns based on my personal experiences with him. As you indicated, I met him in 1980 after he succeeded me as a clerk to the Chief Justice, then-Associate Justice Rehnquist. Since that time, I had the opportunity to be his colleague in the Solicitor General's office. I also was a fellow appellate advocate in the private bar and really also a friend. This has given me a very, very wonderful opportunity to take the measure of this man, and I cannot think of anyone who would be a finer Chief Justice.

I would like to make three basic observations to respond to some of these issues, and the first is that in the Solicitor General's office, when I worked with him there, he was not viewed as a partisan operative. Instead, he was viewed as a brilliant advocate in the finest tradition of the office. And, in fact, in 2001, this office included lawyers from all across the political spectrum. They weren't just Republicans or Democrats, and they all admired him. And in 2001, they sent a letter to this Committee to confirm that, despite their diverse political parties and persuasions, "Mr. Roberts was attentive to 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." This from his colleagues. He was not a highly partisan person in that role.

The second thing I would like to say to the Committee is please do not presume that the views that are expressed in briefs on behalf of the United States that he filed in the Solicitor General's office necessarily reflect the views that he will adopt as a Justice on the Supreme Court. I was a deputy there, too. It was not our job to establish administration policy with respect to immigration, abortion, affirmative action—you name it. Our job was to defend the policies of the administration within the bounds of the law, within the realm of good logic, good reasoning. That was our job. And, in fact, a historical example might be useful on this.

Thurgood Marshall served as a Solicitor General of the United States, and while Solicitor General, he filed a brief on behalf of the United States advocating against the rule adopted in *Miranda* because he said it wasn't good for law enforcement. When he became

a Supreme Court Justice, he dissented in cases that refused to extend Miranda more broadly. He abandoned the views that he had previously expressed in a brief because they weren't his views. They were the views of the United States. And I fully expect that Judge Roberts also knows the differences in these roles in our legal system.

Third, I have been particularly troubled about suggestions in the media that he may harbor bias against women, and I say this because I know firsthand that he was very interested in promoting equal opportunity for women. He actually recruited me to the Office of Solicitor General in 1991. There was a vacancy for the deputy slot. There are only four deputies in the office at any given time. This is a highly coveted position. And he called me, he encouraged me to come and apply for that job. He supported me. I got the job and, as a result, was one of the very few women in history to serve in that position.

A year later, a vacancy came open on the Eastern District of Virginia, the Federal court, and he again encouraged me to apply. He helped shepherd me through that nomination process, and as you indicated, for some reason the Committee forgot to get me confirmed. But, really, these were things that Judge Roberts did not just for me but for other women who all admire and respect him and have absolutely no doubt that he harbors no bias.

In sum, I think that he is particularly well suited to succeed the Chief Justice. They both share some incredible traits, really exquisite intelligence, an abiding sense of modesty, charming wit, and I think that the Chief above all understood that the role of a judge is to serve, not to rule. And I think that there is no question that Judge Roberts learned that lesson well, and he ought to be confirmed as the next Chief Justice.

Thank you very much.

[The prepared statement of Ms. Mahoney appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Mahoney. Demonstrating your skills as an appellate advocate, ending precisely on time.

[Laughter.]

Ms. MAHONEY. I was worrying about that.

Senator SESSIONS. One second over. I was watching.

Chairman SPECTER. Precisely on time.

Our next witness is Hon. Carol Browner, former distinguished Administrator of the Environmental Protection Agency, used to be a member of the Senate family when she served as legislative director to Senator Albert Gore when he was here, a graduate of the University of Florida, both undergrad and law school, and currently is a member of the Albright Group. Thank you for joining us, Ms. Browner, and the floor is yours.

STATEMENT OF CAROL M. BROWNER, FORMER ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, AND PRINCIPAL, THE ALBRIGHT GROUP, WASHINGTON D.C.

Ms. BROWNER. Thank you, Mr. Chairman and members of the Committee. Thank you for the opportunity to appear here today, and I ask that my full statement be placed in the record.