CONTENTS

HEARING DATES

Tuesday, July 12, 1994	Page 1
Wednesday, July 13, 1994	187
	293
Friday, July 15, 1994	399
11day, 5day 10, 1001	000
Statements of Committee Members	
Biden, Hon. Joseph R., Jr., a U.S. Senator from the State of Delaware	1, 4
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah	8
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts	10
Feinstein, Hon. Dianne, a U.S. Senator from the State of California	15
Thurmond, Hon. Strom, a U.S. Senator from the State of South Carolina	134
Metzenbaum, Hon. Howard, a U.S. Senator from the State of Ohio	142
Simpson, Hon. Alan K., a U.S. Senator from the State of Wyoming	150
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont 157,	
Grassley, Hon. Charles E., a U.S. Senator from the State of Iowa	167
DeConcini, Hon. Dennis, a U.S. Senator from the State of Arizona	
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania	188
Heflin, Hon. Howell, a U.S. Senator from the State of Alabama	196
Brown, Hon. Hank, a U.S. Senator from the State of Colorado	203
Simon, Hon. Paul, a U.S. Senator from the State of Illinois	211
Cohen, Hon. William S., a U.S. Senator from the State of Maine	230 240
Noni, Hon. Herbert, a U.S. Senator from the State of Wisconsin	249
Pressler, Hon. Larry, a U.S. Senator from the State of South Dakota	263
Moseley-Draun, non. Caroi, a C.S. Senator from the State of finnois	200
CHRONOLOGICAL LIST OF WITNESSES, QUESTIONING, AND MATERIAL SUBMITTED Tuesday. July 12, 1994	
MATERIAL SUBMITTED Tuesday, July 12, 1994 Presenters	
MATERIAL SUBMITTED Tuesday, July 12, 1994	13 16
MATERIAL SUBMITTED Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	16
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	16
MATERIAL SUBMITTED Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	16 18 110
MATERIAL SUBMITTED Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	18 110 118
MATERIAL SUBMITTED Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	18 110 118 126
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	18 110 118 126 136
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts Boxer, Hon. Barbara, a U.S. Senator from the State of California Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony Questioning by: Chairman Biden Senator Hatch Senator Kennedy Senator Thurmond Senator Metzenbaum	18 110 118 126
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	18 110 118 126 136 145
Tuesday, July 12, 1994 Presenters Kerry, Hon. John F., a U.S. Senator from the State of Massachusetts	18 110 118 126 136 145 153

Submission for the Record	Page
Initial questionnaire of Judge Breyer:	Lago
I. Biographical information	23
II. Financial data and conflict of interest (public)	75
III. General (public)	77
1993 Federal Disclosure Report	83
Letter from Douglas I. Foy, executive director, Conservation Law Foundation,	130
Boston, MA, June 30, 1994 "These 'Very Rotten Bananas' Should Be Discarded", article from the Legal	100
Times, May 23, 1994	133
, , ,,	
Wednesday, July 13, 1994	
Nominee	
Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States:	100
Testimony Questioning by:	189
Chairman Biden	272
Senator Specter	189
Senator Heslin	196
Senator Brown	203
Senator Simon Senator Cohen	222 230
Senator Conen Senator Kohl	240
Senator Pressler	250
Senator Feinstein	259
Senator Moseley-Braun	282
Senator Moseley-Braun	282
Senator Moseley-Braun	282 283
Senator Moseley-Braun	282 283 213
Senator Moseley-Braun	282 283 213 294 390
Senator Moseley-Braun	282 283 213 294 390 294
Senator Moseley-Braun	282 283 213 294 390
Senator Moseley-Braun 264, Senator Hatch 264, Senator Hatch 264, Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony Questioning by: Chairman Biden Senator Thurmond Senator Kennedy Senator Cohen Senator Metzenbaum	282 283 213 294 390 294 296 300 310
Senator Moseley-Braun	282 283 213 294 390 294 296 300 310 346
Senator Moseley-Braun	282 283 213 294 390 294 296 300 310 346 355
Senator Moseley-Braun 264, Senator Hatch 264, Senator Hatch 264, Senator Hatch 275, Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 2002. Questioning by: Chairman Biden 2002. Senator Thurmond 2002. Senator Kennedy 2002. Senator Metzenbaum 2002. Senator Metzenbaum 2002. Senator Grassley 2002.	282 283 213 294 390 294 296 300 310 346 355 359
Senator Moseley-Braun 264, Senator Hatch 264, Senator Hatch 264, Senator Hatch 264, Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 20 Questioning by: Chairman Biden 20 Senator Thurmond 20 Senator Kennedy 20 Senator Metzenbaum 20 Senator Simpson 20 Senator Grassley 20 Senator Heflin 20 Senator Heflin	282 283 213 294 390 294 296 310 346 355 368
Senator Moseley-Braun 264, Senator Hatch 264, Senator Hatch 264, Senator Hatch 275, Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 2002. Questioning by: Chairman Biden 2002. Senator Thurmond 2002. Senator Kennedy 2002. Senator Metzenbaum 2002. Senator Metzenbaum 2002. Senator Grassley 2002.	282 283 213 294 390 294 296 300 310 355 359 368 374 383
Senator Moseley-Braun 264, Senator Hatch 264, Submission for the Record 265. Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 265. Questioning by: Chairman Biden 265. Senator Thurmond 265. Senator Thurmond 265. Senator Cohen 265. Senator Senator Simpson 265. Senator Grassley 265. Senator Specter 265.	282 283 213 294 390 294 296 300 346 355 359 374
Senator Moseley-Braun 264, Senator Hatch 264, Submission for the Record 265. Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 264, Submission 607, Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 265, Chairman Biden 265, Cha	282 283 213 294 390 294 296 300 310 355 359 368 374 383
Senator Moseley-Braun 264, Senator Hatch 264, Senator Hatch 264, Senator Hatch 264, Senator Hatch 264, Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony 2009 Questioning by: Chairman Biden 2009 Senator Thurmond 2009 Senator Kennedy 2009 Senator Metzenbaum 2009 Senator Metzenbaum 2009 Senator Leahy 2009 Senator Heflin 2009 Senator Specter 2009 Senator Brown 2009 Submissions for the Record	282 283 213 294 390 294 296 300 310 355 359 368 374 383
Senator Moseley-Braun	282 283 213 294 390 294 296 300 310 355 359 368 374 383
Senator Moseley-Braun Senator Hatch Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony Questioning by: Chairman Biden Senator Thurmond Senator Kennedy Senator Cohen Senator Metzenbaum Senator Metzenbaum Senator Grassley Senator Heflin Senator Specter Senator Simpson Senator Specter Senator Brown Submissions for the Record Letters to Lloyd Cutler, Esq., Counsel to the President, White House Counsel's Office, Washington, DC, from: Stephen Gillers, professor of law, New York University, School of Law.	282 283 213 294 390 294 296 300 346 355 358 374 383 385
Senator Moseley-Braun Senator Hatch Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony Questioning by: Chairman Biden Senator Thurmond Senator Kennedy Senator Gohen Senator Metzenbaum Senator Metzenbaum Senator Grassley Senator Heflin Senator Specter Senator Specter Senator Simon Senator Brown Submissions for the Record Letters to Lloyd Cutler, Esq., Counsel to the President, White House Counsel's Office, Washington, DC, from: Stephen Gillers, professor of law, New York University, School of Law, New York NY, July 8, 1994	282 283 213 294 390 294 296 300 310 355 359 368 374 383
Senator Moseley-Braun Senator Hatch Submission for the Record Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White House Counsel's Office, Washington, DC, from John P. Frank, partner, law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994 Thursday, July 14, 1994 Nominee Breyer, Stephen G., of Massachusetts, to be an Associate Justice of the Supreme Court of the United States: Testimony Questioning by: Chairman Biden Senator Thurmond Senator Kennedy Senator Cohen Senator Metzenbaum Senator Metzenbaum Senator Grassley Senator Heflin Senator Specter Senator Simpson Senator Specter Senator Brown Submissions for the Record Letters to Lloyd Cutler, Esq., Counsel to the President, White House Counsel's Office, Washington, DC, from: Stephen Gillers, professor of law, New York University, School of Law.	282 283 213 294 390 294 296 300 346 355 358 374 383 385

	Page
Letters to Hon. Joseph R. Biden, chairman, Committee on the Judiciary,	
U.S. Senate, Washington, DC, from: Monroe H. Freedman, Howard Lichtenstein Distinguished Professor of	325
Monroe H. Freedman, Howard Lichtenstein Distinguished Professor of Legal Ethics, July 13, 1994 Stephen Gillers, professor of law, New York University, School of Law, New York, NY, July 15, 1994 Questions for Judge Breyer, submitted by Senator Simpson, and Judge	336
Questions for Judge Breyer, submitted by Senator Simpson, and Judge Breyer's responses	353
Judge Breyer's response to Senator Leahy's question Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455. Disqualification of justice, judge, or magistrate	358 389
Friday, July 15, 1994	
Public Witnesses	
Panel consisting of Robert P. Watkins, Chair, American Bar Association, Standing Committee on the Federal Judiciary, Washington, DC; and Mi- chael S. Greco, First Circuit Representative, American Bar Association	
Panel consisting of Robert P. Watkins, Chair, American Bar Association, Standing Committee on the Federal Judiciary, Washington, DC; and Michael S. Greco, First Circuit Representative, American Bar Association, Standing Committee on the Federal Judiciary, Washington, DC	400
School, Palo Alto, CA Panel consisting of Paige Comstock Cunningham, president, Americans United for Life, Chicago, IL; and Michael P. Farris, president, Home School	420
Legal Defense Association, Purcellville, VA	438
Panel consisting of Jose Trias Monge, former Justice of the Supreme Court of Puerto Rico, San Juan, PR; Margaret H. Marshall, vice president and general counsel Harvard University Cambridge MA: and Helen G.	
general counsel, Harvard University, Cambridge, MA; and Helen G. Corrothers, visiting fellow, National Institute for Justice, and former Commissioner, U.S. Sentencing Commission, Washington, DC	456
missioner, U.S. Sentencing Commission, Washington, DC. Panel consisting of Ralph Nader, Washington, DC; Sidney M. Wolfe, Citizen's Group, Washington, DC; Lloyd Constantine, Constantine & Associates, New York, NY; and Ralph Zestes, Kogod College of Business Administration, American University, Washington, DC Panel consisting of Robert Pitofsky, professor of law, Georgetown University Law Center, Washington, DC; Cass R. Sunstein, professor, University of Chicago Law School and Department of Political Science, Chicago, IL; and Martha Matthews, staff attorney, National Center for Youth Law, and former law clerk to Judge Stephen G. Breyer, San Francisco, CA. Panel consisting of Barbara Paul Robinson, the Association of the Bar of the City of New York, New York, NY: Paulette Brown, National Bar Asso-	400
American University, Washington, DC Panel consisting of Robert Pitofsky, professor of law, Georgetown University Law Center, Washington, DC: Case R. Sunstein, professor, University of	468
Chicago Law School and Department of Political Science, Chicago, IL, and Martha Matthews, staff attorney, National Center for Youth Law, and	F#0
Panel consisting of Barbara Paul Robinson, the Association of the Bar of the City of New York, New York, NY; Paulette Brown, National Bar Association, on behalf of the Coalition of the Bar Associations of Color, Washington, DC; Brian Sun, president, National Asian-Pacific American Bar Association; Richard Monet, president, Native American Bar Association; and	572
Wilfredo Caraballo, president, Hispanic National Bar Association	600
Submissions for the Record	
Prepared statements of witnesses	
Gerhard Casper	422
Kathleen M. Sullivan Paige Comstock Cunningham	426 441
Michael P. Farris	444
Jose Trias Monge	458
Margaret H. Marshall	461
Helen G. Corrothers Raiph Nader	465 471
Sidney M. Wolfe, M.D	524
Lloyd Constantine Ralph Estes	530 537

Prepared statements of witnesses—Continued Robert Pitofsky	Page 574
Cass R. Sunstein	579
Martha Matthews	595
Barbara Paul Robinson	602
Paulette Brown	605
Richard Monet	610
Wilfredo Caraballo	613
Additional statements and comments "Judge Breyer and the Price Squeeze Problem," by Peter C. Carstensen,	
Arthur-Bascom Professor of Law, University of Wisconsin Law School	487
"Could Justice Description to Description to Con Health?" by Thomas C	401
"Could Justice Breyer be Hazardous to Our Health?", by Thomas O. McGarity, William Stamps Farish Professor of Law, University of	
McCarty, whilam Stamps Farish Professor of Law, University of	491
Texas School of Law	491
Criticism Run Amok, comments by Ciarence Dittow, executive director,	-14
Center for Auto Safety, and Joan Claybrook, president, Public Citizen	514
Proposed questions for Judge Breyer, by Richard Parker, Harvard Law	
School, Cambridge, MA, July 1994	520
Prepared statement of Nicholas deB. Katzenbach	618
"Why Breyer Should Not Be Confirmed to the U.S. Supreme Court,"	
by Charles E. Mueller, editor, Antitrust Law & Economics Review,	
Vero Beach, FL	621
Correspondence	
Letters to Senator Biden from:	
American Bar Association, Standing Committee on the Federal Judi-	
ciary, Washington, DC, July 11, 1994	417
Home School Legal Defense Association, Pagonian Springs, VA, July	
	447
22, 1994	
Arithmetic"	448
The White House, Washington, DC, July 15, 1994	546
Phillip Areeda, Harvard Law School; Eddie Correia, Northeastern	040
Law School; Eleanor Fox, NYU Law School; Thomas Jorde, Univer-	
Law ochool, Eleanor Fox, N10 Law ochool, Thomas sorde, Univer-	
sity of California Law School (Boalt Hall); Thomas Kauper, Michi-	
gan Law School: Harvey Goldschmid, Columbia Law School: Her-	
gan Law School: Harvey Goldschmid, Columbia Law School: Her-	
gan Law School; Harvey Goldschmid, Columbia Law School; Her- bert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July	
gan Law School: Harvey Goldschmid, Columbia Law School: Her-	562
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994	562
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994	562
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994	
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement	1
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994	
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28. United States Code, Judiciary and Judicial Proce-	1 4
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28. United States Code, Judiciary and Judicial Proce-	1 4 389
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994	1 4
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994	1 4 389 546
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony	1 4 389
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Brever, Stephen G.:	1 4 389 546
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony 18, 189	1 4 389 546
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony 18, 189	1 4 389 546 16 0, 294
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony I Riographical information	1 4 389 546 16 0, 294 23
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony I Riographical information	1 4 389 546 16 0, 294
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony Itsial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) III. General (public)	1 4 389 546 16 0, 294 23 75 77
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony 18, 189 Initial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report	1 4 389 546 16 0, 294 23 75 77 83
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony 18, 189 Initial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report	1 4 389 546 16 0, 294 23 75 77
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G: Testimony II. Biographical information III. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown Hon Hank:	1 4 389 546 16 0, 294 23 75 77 83
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G: Testimony II. Biographical information III. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown Hon Hank:	1 4 389 546 16 0, 294 23 75 77 83
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony Initial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) Ill. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette:	1 4 389 546 16 0, 294 23 75 75 77 83 358
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony Initial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) Ill. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette:	1 4 389 546 16 0, 294 23 75 77 83 358 203
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony II. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette: Testimony	1 4 389 546 16 0, 294 23 75 77 83 358 203
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony II. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette: Testimony Prepared statement Caraballo Wilfredo:	1 4 389 546 16 0, 294 23 75 77 83 358 203
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 ALPHABETICAL LIST AND MATERIAL SUBMITTED Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony II. Financial data and conflict of interest (public) III. General (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette: Testimony Prepared statement Caraballo Wilfredo:	1 4 389 546 16 2, 294 23 75 77 83 358 203 602 605
gan Law School; Harvey Goldschmid, Columbia Law School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, Georgetown Law School; and Edward Rock, Pennsylvania Law School, July 5, 1994 **ALPHABETICAL LIST AND MATERIAL SUBMITTED** Biden, Hon. Joseph R., Jr.: Opening statement Prepared statement Excerpt from title 28, United States Code, Judiciary and Judicial Procedure: § 455 Disqualification of justice, judge, or magistrate Letter from the White House, Washington, DC, July 15, 1994 Boxer, Hon. Barbara: Testimony Breyer, Stephen G.: Testimony 18, 189 Initial questionnaire: I. Biographical information II. Financial data and conflict of interest (public) 1993 Federal Disclosure Report Response to Senator Leahy's question Brown, Hon. Hank: Opening statement Brown, Paulette: Testimony Prepared statement	1 4 389 546 16 0, 294 23 75 77 83 358 203

Casper, Gerhard:	Page
Testimony	420
Prepared statement	422
Opening statement	230
Constantine, Lloyd:	
Testimony	527
Prepared statement	530
Corrothers, Helen G.:	400
Testimony	463 465
Prepared statement	400
Testimony	438
Prepared statement	441
DeConcini, Hon. Dennis:	
Opening statement	175
Prepared statement	184
Estes, Ralph: Testimony	534
Prepared statement	537
Farris, Michael P.:	00.
Testimony	442
Prepared statement	444
Letter to Senator Biden from the Home School Legal Defense Association,	4.45
Paeonian Springs, VA, July 22, 1994	447
Appendix: "To the Teacher: The Christian Approach to Teaching Arithmetic"	448
Feinstein Hon Dianne:	440
Opening statement	15
Grasslev. Hon. Charles E.:	
Opening statement	167
Prepared statement	167
Greco, Michael S.: Testimony	403
Hatch, Hon. Orrin G.:	*00
Opening statement	8
Heflin, Hon. Howell:	
Opening statement	196
Kennedy, Hon. Edward M.:	• •
Opening statement	10
tion, Boston, MA, June 30, 1994	130
"These 'Very Rotten Bananas' Should Be Discarded." article from the	100
"These 'Very Rotten Bananas' Should Be Discarded," article from the Legal Times, May 23, 1994	133
Letter to Senator Biden from Phillip Areeda, Harvard Law School; Eddie	
Correia, Northeastern Law School; Eleanor Fox, NYU Law School;	
Thomas Jorde, University of California Law School (Boalt Hall); Thomas Kauper, Michigan Law School; Harvey Goldschmid, Columbia Law	
School; Herbert Hovenkamp, Iowa Law School; Robert Pitofsky, George-	
town Law School; and Edward Rock, Pennsylvania Law School, July	
5, 1994	562
Prepared statement of Nicholas deB. Katzenbach	618
"Why Breyer Should Not Be Confirmed to the U.S. Supreme Court,"	
by Charles E. Mueller, editor, Antitrust Law & Economics Review,	601
Vero Beach, FL Kerry, Hon. John F.:	621
Testimony	13
Kohl, Hon. Herbert:	
Opening statement	240
Leahy, Hon. Patrick J.:	
Opening statement	157
Prepared statements	r, ა მზ
Testimony	460
Prepared statement	461
Matthews, Martha:	-
Testimony	592
Prepared statement	595

VIII

Metzenbaum, Hon. Howard:	Page
Opening statement	142
Letters to Lloyd Cutler, Esq., Counsel to the President, White House	
Counsel's Office, Washington, DC, from: Stephen Gillers, professor of law, New York University, School of	
Law, New York, NY, July 8, 1994	318
Law, New York, NY, July 8, 1994	
Philadelphia, PA, July 11, 1994	320
Judge Breyer's "CERCLA" (Superfund statute) cases	323
Letters to Hon. Joseph R. Biden, chairman, Committee on the Judiciary, U.S. Senate, Washington, DC, from:	
Monroe H. Freedman, Howard Lichtenstein Distinguished Professor	
of Legal Ethics, July 13, 1994	325
Stephen Gillers, professor of law, New York University, School of	
Law, New York, NY, July 15, 1994	336
Monet, Richard:	609
TestimonyPrepared statement	610
Monge, Jose Trias:	010
Testimony	456
Prepared statement	458
Moseley-Braun, Hon. Carol:	000
Opening statement	263
Testimony	468
Prepared statement	471
Prepared statement	
Arthur-Bascom Professor of Law, University of Wisconsin Law School	487
"Could Justice Breyer be Hazardous to our Health?", by Thomas O. McGarity, William Stamps Farish Professor of Law, University of	
Texas School of Law	491
Texas School of Law	
Center for Auto Safety, and Joan Claybrook, president, Public Citizen	514
Proposed questions for Judge Breyer, by Richard Parker, Harvard Law	F00
School, Cambridge, MA, July 1994	520
Pitofsky, Robert: Testimony	572
Prepared statement	574
Pressler. Hon. Larry:	-
Opening statement	249
Robinson, Barbara Paul:	600
Testimony	600 602
Simon, Hon. Paul:	002
Opening statement	211
Letter to Lloyd N. Cutler, Esq., Counsel to the President, The White	
House Counsel's Office, Washington, DC, from John P. Frank, partner,	010
law firm of Lewis and Roca, Phoenix, AZ, July 12, 1994	213
	150
Opening statement	353
Specter, Hon. Arlen:	
Opening statement	188
Sullivan, Kathleen M.:	424
Testimony	424
Sun, Brian:	120
Testimony	606
Sunstein, Cass R.:	
Testimony	576
Prepared statement	579
Opening statement	134
Watkins, Robert P.:	-01
Testimony	400
Letter to Senator Biden from the American Bar Association, Standing	
Committee on the Federal Judiciary, Washington, DC, July 11, 1994	417

IX	
Wolfe, Dr. Sidney M.:	Page
Testimony	522
Prepared statement	524
APPENDIX	
Report on the Supreme Court nomination of Judge Stephen G. Breyer, issued by the Alliance for Justice, Washington, DC	631
Statement of Charles Merrill Mount to the U.S. Senate Committee on the Judiciary on the nomination of Stephen G. Breyer to the U.S. Supreme Court	651
Letter to Hon. Joseph R. Biden, Jr., chairman, Committee on the Judiciary, U.S. Senate, Washington, DC, from Natalya Tamara Hampel, Quebradillas, PR. July 12, 1994	680
FR, July 12, 1334	000