

We now turn to Senator Bayh, elected in 1998, previously Governor of Indiana. Senator Bayh.

PRESENTATION OF JOHN G. ROBERTS, JR., NOMINEE TO BE CHIEF JUSTICE OF THE UNITED STATES, BY HON. EVAN BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator BAYH. Thank you very much, Chairman Specter, Senator Leahy, members of the Judiciary Committee.

There is not nearly enough civility in Washington today, so when I was asked to uphold longstanding and bipartisan tradition to introduce someone from my State, I did not hesitate to accept.

I am pleased to join with my friends and our colleagues, Dick Lugar and John Warner, to introduce to you, John Roberts.

John Roberts grew up in northwest Indiana and still has family living in our State. He is the proud father of two lovely children, Jack and Josie, and the husband of Jane.

At only 50, Judge Roberts has had a distinguished legal career that would make most lawyers envious. He has argued 39 cases before our Supreme Court, and won 25 of them. Most lawyers are lucky to argue and win one case before our Nation's highest Court. There is no question that Judge Roberts has achieved much through hard work and great ability to reach the pinnacle of the legal profession.

If confirmed as Chief Justice of the Supreme Court, Judge Roberts could serve for 30 or more years. During that time, the Court will likely hear cases that affect every aspect of the law and American life, from civil rights, to women's rights, to property rights, to States' rights. I look forward to a full and clarifying discussion of his views on these important topics and others, because for this nominee and for anyone who aspires to our Nation's highest Court, it is ultimately their beliefs, even more than their biography, which determine the result of the confirmation process.

As a fellow Hoosier, I am proud that someone from our State would be so talented and so successful to be considered for a position on the highest Court of our land.

Mr. Chairman, Senator Leahy, my colleagues, I am pleased to introduce to you a fellow Hoosier, Judge John Roberts.

Chairman SPECTER. Thank you very much, Senator Bayh.

Senator Warner, welcome back. When you were here earlier this morning I said you would be recognized at about 3:20. I want to apologize for being two minutes off.

Senator WARNER. It is almost, Mr. Chairman. I will take till 3:10 to finish my statement if you yield back your time to me.

Chairman SPECTER. Your full statement will be made a part of the record, Senator Warner.

PRESENTATION OF JOHN G. ROBERTS, JR., NOMINEE TO BE CHIEF JUSTICE OF THE UNITED STATES, BY HON. JOHN WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WARNER. Members of the Committee and Judge Roberts and his family, I find this a singular privilege in my now 27 years in this institution.

Speaking of institutions, in 218 years since the Constitution was ratified, we have had 43 Presidents and this is the 17th Chief Jus-

tice. It seems to me that underscores the importance of this hearing. Further, the Senate deliberations in this hearing, followed by subsequent floor debate, provide a unique opportunity for generations of Americans, particularly the younger Americans, to acquaint themselves with how our Government operates.

I am absolutely confident that this distinguished Committee, before whom I have appeared many, many times in these years, will comport yourselves in a manner in the finest traditions of the Senate, and will impart in our audience across America, particularly the younger ones, a respect for and an understanding of the institution of the United States Senate and its responsibilities.

The Constitution, together with the Bill of Rights, is an amazing document, for it is the reason that our Nation's Government stands today as the oldest continuous democratic republic form of government in the world today. Indeed, most all of the other bold experiments in Government have gone into the dust bin of history. Little wonder why so many other nations are forming their governments today, patterning their government on ours.

But only of the President and the Senate fairly, objectively and in a timely manner, exercise these respective constitutional powers, can the judicial branch have the numbers of qualified judges to properly serve the needs of our citizens. For this reason, in my view, a Senator has no higher duty than his or her responsibilities under Article II, Section II.

Recently 14 Senators, of which I was one, committed ourselves in writing to support the Senate leadership in facilitating the Senate's responsibility of providing advice and consent. In our memorandum of understanding, Senator Byrd and I incorporated language that spoke directly to the Founding Fathers' explicit use of the word "advice." Without question our framers put the word "advice" in the Constitution for a reason, to ensure consultation between a President and the Senate prior to the forwarding of a nominee to the Senate for consideration. I commend President Bush for the exemplary manner in which he conducted the advice and consent responsibility.

Now, with the beginning of these hearings, the Senate commences the next phase, the consent phase of this constitutional process. After the Committee consideration, the nomination will move to the full Senate for debate, followed by a vote. Throughout this process, the ultimate question will remain the same, whether the Senate should grant, or deny, consent.

Now to this distinguished jurist. I judge his credentials to be Chief Justice in the same manner as I have applied to all others since I have been privileged to serve in this institution. I recounted there are about over 2,000 nominations that have come in this quarter of a century plus. I can say without equivocation, I have never seen the credentials of any nominee with stronger qualifications than Judge Roberts.

Some 2 years ago, when nominated to serve in the Court of Appeals for the District of Columbia, I was privileged, at his request, to introduce him. At the time he was relatively unknown. Today the world knows him.

We were brought together because we were both fortunate to have been partners at different times in our careers at the law firm

of Hogan & Hartson, a venerable firm known for its integrity and rigid adherence to ethics. Among the firm's many salutary credentials, it has been long known for its pro bono work.

In fact, I will share a personal story. In 1960, I was an Assistant U.S. Attorney—been there about 4 years. A knock came on my door, and in walked a very tall, erect man, introducing himself as having just been appointed to represent an indigent defendant charged with first degree murder. We had a brief consultation. The trial followed. Midway in the trial the defendant pleaded guilty to a lesser offense. That man was Nelson D. Hartson, Senior Partner and Founder of this firm.

I firmly believe that John Roberts shares in the belief that lawyers have an ethical duty to give back to the community by providing free legal services, particularly to those in need. The hundreds and hundreds of hours he spent working on pro bono cases are a testament to that. He did not have to do any of it. The bar does not require it, but he did it out of the graciousness of his heart and obligation.

Those who know him best can also attest to the kind of person he is. Throughout his legal career, both in public and private practice, in his pro bono work, Roberts has worked with and against hundreds of lawyers. Those attorneys who know him well typically speak with one voice when they tell you that dignity, humility and a sense of fairness are the hallmarks of this nominee.

In conclusion, Mr. Chairman, I take a moment to remind all present, and those listening and following, that this exact week 218 years ago, our Founding Fathers finished the final draft of the U.S. Constitution, after a long hot summer of drafting and debating. And when Ben Franklin ultimately emerged from Independence Hall upon the conclusion of the Convention, a reporter asked him, "Mr. Franklin, sir, what have you wrought?" And he said, "A republic, if you can keep it." And that is ultimately what this advice and consent process is all about.

But while the Constitution sets the course of our Nation, it is without question the Chief Justice of the United States who must have his hand firmly on the tiller to keep our great ship of state on a course consistent with the Constitution.

I shall follow carefully the deliberations of this Committee. I will participate in the floor debate. I look forward to the privilege of voting for this fine outstanding public servant.

Judge Roberts, I am the last. You are on your own.

[Laughter.]

[The prepared statement of Senator Warner appears as a submission for the record.]

Chairman SPECTER. Thank you, Senator Warner. Thank you, Senator Lugar. Thank you, Senator Bayh.

Judge Roberts, if you will now resume your position at center stage. Judge Roberts, if you would now stand, please. The protocol calls for your swearing in at this point. We have 23 photographers in the well, 5 more waiting. We may revise our procedures to swear you in at the start of the proceeding if you should come back.

If you would raise your right hand. They have asked me to do this slowly because this is their one photo op.

Do you solemnly swear that the testimony you will give before this Committee on the Judiciary of the United States Senate will be the truth, the whole truth, and nothing but the truth, so help you God?

Judge ROBERTS. I do.

Chairman SPECTER. Thank you. You may be seated.

Judge Roberts, we compliment you on your patience in listening to 21 speeches, and the floor is now yours.

**STATEMENT OF JOHN G. ROBERTS, JR., NOMINEE TO BE
CHIEF JUSTICE OF THE UNITED STATES**

Judge ROBERTS. Thank you very much, Mr. Chairman, and Senator Leahy, and members of the Committee.

Let me begin by thanking Senators Lugar and Warner and Bayh for their warm and generous introductions.

And let me reiterate my thanks to the President for nominating me. I am humbled by his confidence, and if confirmed, I will do everything I can to be worthy of the high trust he has placed in me.

Let me also thank you, Mr. Chairman, and the members of the Committee for the many courtesies you have extended to me and my family over the past eight weeks. I am particularly grateful that members have been so accommodating in meeting with me personally. I have found those meetings very useful in better understanding the concerns of the Committee as the Committee undertakes its constitutional responsibility of advice and consent.

I know that I would not be here today were it not for the sacrifices and help over the years of my family, who you met earlier today, friends, mentors, teachers and colleagues, many of whom are here today.

Last week one of those mentors and friends, Chief Justice William Rehnquist, was laid to rest. I talked last week with the nurses who helped care for him over the past year, and I was glad to hear from them that he was not a particularly good patient.

[Laughter.]

Judge ROBERTS. He chafed at the limitations they tried to impose. His dedication to duty over the past year was an inspiration to me and I know to many others. I will miss him.

My personal appreciation that I owe a great debt to others reinforces my view that a certain humility should characterize the judicial role. Judges and Justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules, they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules, but it is a limited role. Nobody ever went to a ball game to see the umpire.

Judges have to have the humility to recognize that they operate within a system of precedent shaped by other judges equally striving to live up to the judicial oath, and judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Mr. Chairman, when I worked in the Department of Justice in the Office of the Solicitor General, it was my job to argue cases for the United States before the Supreme Court. I always found it very moving to stand before the Justices and say, "I speak for my country." But it was after I left the Department and began arguing