

graduate of Michigan State, and a law degree from the Cooley School of Law.

Thank you for coming in today, Governor Engler, and the floor is yours.

STATEMENT OF JOHN ENGLER, FORMER GOVERNOR OF MICHIGAN, AND PRESIDENT, NATIONAL ASSOCIATION OF MANUFACTURERS, WASHINGTON, D.C.

Mr. ENGLER. Mr. Chairman, Senator Leahy, and distinguished members of this Committee, I am pleased to be here today to testify in support of the nomination of Judge John Roberts to be the next Chief Justice of the United States Supreme Court.

This is an important moment for the National Association of Manufacturers because it is the first time that we have participated in a proceeding of this type. I would like to take a minute just to explain why we have taken this historic step.

When I joined the NAM on October 1st of last year, I did bring that experience you referenced, 20 years in the Michigan legislature, 12 years as Governor of Michigan, from 1991 to 2003. During that time as Governor, I felt that Michigan businesses were facing crushing legal costs and barriers. I also learned and saw first-hand laws that I had helped write in the State Senate or signed as a Governor were in many instances ignored, rewritten, or set aside by judges unclear about or dismissive of their sworn duties.

In part because of this, the legal environment for doing business in Michigan had become unpredictable, unfavorable, and unacceptable. As Governor, I set out to change this by recruiting to the judiciary individuals who were committed to uphold the law and not legislate from the bench. During 12 years as a Governor I appointed more than 200 judges to the Michigan courts, and that included three State Supreme Court justices, each of whom has a record of faithfully interpreting and applying the law.

Now, as a result of these appointments, coupled with equally needed and important tort reform legislation, cases filed with the Michigan circuit courts dropped by some 17 percent between 1997 and 2004. The legal costs of doing business in Michigan declined. People of Michigan, through this debate and period of time, came to understand that the certainty and predictability the judges help foster when they follow the law not only can lead to a better business climate but, necessarily then, are key to jobs and prosperity.

The same can be true at the national level. Nationally, our legal system today consumes some 2.3 percent of GDP. Its cost is actually about 7 ½ times as high as that of any of our key trading partners. The high cost of lawsuit abuse continues to be an impediment to our ability to compete in the global economy.

Now of course much of the solution to this doesn't like with the Federal courts but in State legislatures and the Congress, which must write clear laws that recognize these realities. That is why the NAM continues to advocate asbestos reform that has been the subject of much hard work by this very Committee, and further tort reform in areas like products liability.

Now, that said, to achieve a business environment that is fair and predictable and where the rules are clearly spelled out and adhered to, it is essential to have judges who will apply the rules the

legislature or the Congress establishes in a fair and predictable manner. The United States Supreme Court must set the example. The need for this fundamental fairness and predictability is why the NAM decided that the time had come to take positions on judicial nominations.

After reviewing Judge John Roberts's record, we are convinced he is eminently qualified to lead the Court. Judge Roberts has the intellect and the experience needed to understand and address complicated transactions and difficult legal problems. At the same time, he is committed to applying the law rather than applying his own personal views. This philosophy is essential if we are to remain a Nation guided by the rule of law.

Finally, John Roberts understands the importance of clarity when deciding cases and the practical consequence of decisions for business. I might add that, really, none of the current members of the Court come from a recent private-sector kind of background. Judge Roberts does. He brings that. Accordingly, if confirmed, Justice Roberts will add an important voice to the Court's deliberations because of his strong experience of how litigation affects major commercial transactions. This background will assist the Court in identifying cases that present business issues of national importance for its review and also in understanding the practical ramifications of rules set out through its decisions.

As I close, let me make it clear that the NAM also didn't seek to determine if Judge Roberts will reach or is likely to reach a particular outcome favorable to business. The principal difficulty with an outcome-based approach is that the outcomes a Justice should reach ought depend on what the duly enacted law is. In many areas, different companies and businesses will disagree on what the pro-business result actually is.

Therefore, the National Association of Manufacturers is not looking for Justices biased in favor of or against business or whose decisions reflect or are likely to reflect a pro-business outlook, but rather, for a Justice who will properly and impartially apply the law. We are convinced Judge Roberts is such a Justice, and I respectfully urge this Committee to set in a timely manner his nomination before the full Senate.

Thank you, Mr. Chairman.

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

Chairman SPECTER. Thank you very much, Governor Engler.

Our final witness is Ms. Karen Pearl, interim president of Planned Parenthood Federation of America. For 10 years prior to becoming the interim president, she was the president and CEO of Planned Parenthood of Nassau County. She has been a preschool teacher, working with children with disabilities, and has a master's degree in counseling from New York University.

Thank you for coming in today, Ms. Pearl. The floor is yours.

**STATEMENT OF KAREN PEARL, INTERIM PRESIDENT,
PLANNED PARENTHOOD FEDERATION OF AMERICA, NEW
YORK, NEW YORK**

Ms. PEARL. Mr. Chairman and distinguished members of the Committee, I am Karen Pearl, interim president of Planned Par-