

levels to rise to the occasion of rebuilding our future by placing our political fortunes last and constitutional principles first, and working diligently to reconcile each and every American to the freedom and responsibility that our republic demands.

May God bless our efforts.

Chairman SPECTER. Thank you very much, Senator Coburn.

We now move to the presenters, Senator Lugar, Senator Bayh and Senator Warner, and then the administration of the oath to Judge Roberts, and then Judge Roberts's opening statement.

Welcome, Senator Lugar, as the senior presenter, elected in 1976, Indiana's senior Senator. We have allotted 5 minutes each to the presenters, and Senator Lugar, you are now recognized.

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

Senator LUGAR. Mr. Chairman, let me first ask that a copy of my full statement appear in the Committee record.

Chairman SPECTER. Without objection, your full statement will be made a part of the record.

Senator LUGAR. Thank you, Mr. Chairman. It is a genuine privilege and pleasure to appear before you, Senator Leahy, and my other distinguished colleagues who serve on this important Committee.

I am pleased to introduce the President's nominee to serve as the 109th Justice of the Supreme Court and the 17th Chief Justice of the United States, John G. Roberts, Jr.

Judge Roberts was born in Buffalo, New York, but moved at age 8 to Indiana. The Roberts's family settled in Long Beach, a small Hoosier community on the shores of Lake Michigan. John attended local schools there in nearby LaPorte, and in 1973 was graduated first in his high school class of 22, having also excelled in numerous extracurricular activities, including co-captaining the football team, despite his self-described status as a slow-footed halfback.

I know Committee Members will understand my observing that our State takes a certain pride of its own nomination by the President to lead the Nation's highest court. Simply put, John Roberts is a brilliant lawyer, a jurist with an extraordinary record of accomplishments in public service. This exceptional blend of professional and personal qualifications is especially important now, given the further responsibilities Judge Roberts has been called upon to assume on the passing of the Chief Justice.

I know Judge Roberts is keenly and humbly aware of the large shoes he has now been asked to fill, the more so since the late Chief Justice was his own initial boss when he arrived in Washington a quarter century ago. All Americans can be grateful that Judge Roberts not only learned, but has lived the lessons taught by his mentor and his role model. In my judgment, he is extremely qualified to carry forward the tradition of fair, principled and collegial leadership that so distinguished the man for whom he once worked, and has now been nominated to replace.

Under the judicial confirmation standards that prevail throughout most of our history, my remarks could appropriately end at this point, and the Committee and the Senate as a whole could proceed

to consider Judge Roberts's nomination in light of his outstanding qualifications. Indeed, nominees almost never testified in such hearings before 1955, and the last Supreme Court Justice from Indiana, Sherman Minton, was confirmed without controversy, despite declining even to appear before the Committee, following his nomination by President Truman.

I am not troubled by the fact that the Committee hearings, including testimony by Supreme Court nominees now seems firmly established as part of the confirmation process. These proceedings serve a vital role in our deliberations and are a vivid course in living history for all Americans. But it is important we write that history well.

Today's Supreme Court regularly faces issues of enormous public import and attendant controversy. Many are deeply divisive with well-funded, well-organized advocacy groups passionately committed to one or the other side, and for whom the central exclusive focus is who wins. Media coverage and the information age, whether on talk radio or countless cable outlets, featuring talking heads for each side, fuels both the controversy and the resultant tendency to see the Supreme Court as a kind of political branch of last resort. When a Court vacancy occurs, the confirmation process takes on the trappings of a political campaign, replete with interest group television ads that often reflect the same oversimplifications and distortions that are disturbing even in campaign for offices that are in fact political.

All of this may be understandable. It remains, in my view, a fundamental departure from the vision of the courts and their proper role than animated those who crafted our Constitution. The Founders were at pains to emphasize the difference between the political branches, the executive and legislative and the judiciary. Their concern about the potential dangers of passionate, interest-driven political divisions, which Madison famously called the "Mischiefs of Faction," influenced their design of our entire governmental structure, but they were especially concerned that such mischiefs not permeate those who would sit on the bench. Otherwise, they warned, the pestilential breath of faction may poison the fountains of justice, and would stifle the voice both of law and of equity.

I believe that each of us in the Senate bears a special responsibility to prevent that from occurring. The primary focus of these hearings and our subsequent debate and vote on the floor will be Judge Roberts and his qualifications. But another focus will be whether the Senate, in discharging this solemn advice as a consent duty conferred by the Constitution, is faithful to the trust the Founders placed in us.

I thank you, Mr. Chairman, and all Members of the Committee for your courtesy in allowing me to introduce Judge John G. Roberts, Jr., a distinguished son of Indiana, who I believe will prove to be an outstanding Chief Justice of the United States Supreme Court.

I thank you very much.

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

Chairman SPECTER. Thank you very much, Senator Lugar.

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-