

It is interesting to note that the first circuit has been admired for its amazing scarcity of dissents, due in no small part to Judge Breyer's ability to encourage people to empathize with each other and to teach people with disparate views to find new ways to agree. I am confident that it is this ability that has gained him the backing of liberals and conservatives alike, not because he is a centrist or a moderate, which may prove to be inaccurate, but because he has an enormous intellectual honesty and because he is fair.

Colleagues, litigants, students, and clerks uniformly agree that Judge Breyer never wraps his ego into an issue, he never elevates politics over principle, and he has earned his reputation as a skilled jurist by being openminded and sensitive to detail. So I am confident, Mr. Chairman, that the committee will overwhelmingly agree, and I could not more strongly recommend Judge Stephen Breyer for your confirmation.

The CHAIRMAN. Thank you very much.

Now we will hear from a distinguished member of this committee, Senator Feinstein.

**OPENING STATEMENT OF HON. DIANNE FEINSTEIN, A U.S.  
SENATOR FROM THE STATE OF CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman and members of the committee. As one of the newer members on this committee, it, indeed, has been a great, I think, and unique experience to sit on my first confirmation to be an Associate Justice of the Supreme Court, Ruth Bader Ginsburg, and now to go through these hearings for Judge Stephen Breyer.

The CHAIRMAN. We credit you with the new-found stability on these issues.

Senator FEINSTEIN. Thank you, sir. And I must say I think both Senators from Massachusetts have well and articulately spelled out the kind of scholarship, the legal history, the common sense, the maturity, and the judgment that Stephen Breyer can bring to the U.S. Supreme Court.

For me, being a nonlawyer on this committee, the test is a little different. For me, the test is how an individual jurist can really apply what is happening on the streets of America to the Constitution of the United States and make that document work for the well-being of all of the people, not just this group or that group, because America is, indeed, a very troubled land.

I am very proud to say that Stephen Breyer hails from the great State of California. More specifically, I am proud to say that he hails from my home city, attended school at Lowell High School at about the same time as my husband. I am also proud to say that his father, Irving Breyer, was general counsel for the San Francisco Unified School District. And as mayor of San Francisco, I came to count on his good sense and judgment in many serious problems affecting the Unified School District of San Francisco.

Judge Breyer brings to the east coast really, in a sense, the best of the west coast: the best of public and private education from Lowell High School to Stanford University; the best of the streets, as Senator Kerry mentioned, whether as a ditch digger for Pacific Gas & Electric or as a waiter for the San Francisco Parks and

Recreation Department; or as a member of the Armed Forces stationed at Fort Ord, CA.

His community service is known to all of us. His legal service is also known as well. I have tried to read all of the many articles that I have seen in print about Stephen Breyer, and what I see is a man deeply dedicated to the pursuit of the law, a man prepared to struggle to do what is right by the Constitution, but a man that also understands what is important to the people and streets of this Nation.

I believe that something that he said when he was introduced by the President deserves repeating here,

The Constitution and the law must be more than mere words, they must work as a practical reality. And I will certainly try to make the law work for people, because that is its defining purpose in a government of the people.

In a sense, I believe that says all there is to say, well and with heartfelt sense, about Stephen Breyer. So it is with a great deal of personal pride and pleasure, as a Senator and a Californian, that I am able to join with my respected colleagues in presenting to you the very distinguished nomination of Stephen Breyer to become Associate Justice to the U.S. Supreme Court.

The CHAIRMAN. Thank you very much, Senator Feinstein.

Now, last but not least, a Senator who has for some time taken a keen interest in the activities of this committee, whether or not she was on the House side or as a Senator on this side of the aisle, on this side of the Capitol, I should say, welcome, Senator Boxer.

#### **STATEMENT OF HON. BARBARA BOXER, A U.S. SENATOR FROM THE STATE OF CALIFORNIA**

Senator BOXER. Thank you very much, Mr. Chairman and Senator Hatch.

This is such an honor for us, and today, Massachusetts and California share the honor of introducing a very, very famous American, and I would say we are very proud, and I think all America will be proud, as these hearings proceed on you, Judge Breyer.

Certainly, you know that we are delighted to say that in those early formative years, Stephen Breyer was born and raised in San Francisco, his family put a high value on education, public service, and the important combination of the two.

I do not know whether you know, Mr. Chairman, that Judge Breyer's grandfather Samuel served with distinction on the San Francisco Board of Supervisors, where my colleague Dianne Feinstein served, and I served across the Golden Gate Bridge on the Board of Supervisors of Marin.

His mother Ann was active in the League of Women Voters and in local Democratic politics. And for more than 40 years, as you heard, his father Irving Breyer was legal counsel to the San Francisco Board of Education.

So, from the very beginning, Stephen Breyer seemed destined to carry on his family's tradition of scholarship and public service. His senior class at San Francisco's Lowell High School named him most likely to succeed. They were right. And his aunt Shirley Black explained, "He started speaking in sentences, we knew he would be something great," spoken by an aunt. But she was right, too.