EPA to do this job, to do it based on the best available science, to do it to protect the public health. These are sort of fundamental principles embedded in many of our environmental statutes that have allowed us to make the kind of progress that we have made to date.

Finally, Congress has frequently recognized the right of individual citizens to seek enforcement of our country's environmental laws. When I was the head of the EPA, I was frequently asked, Well, wouldn't you like Congress to prevent those lawsuits from being filed against you, those lawsuits from being filed against your agency? And my answer was always no. Citizen suits are an essential part of how we have gone about this work of clean air and clean water. If Congress tells an agency of the executive branch to do something and they fail to do it, the citizens of this country should have the right to go to our courts and see that Congress's laws are upheld.

A key role and responsibility of Government is to protect those things we all hold in common—our air, our water, the public health of our communities. The Nation's environmental laws are based on a set of shared values, and they rest on principles embraced by Congress over many, many years. The High Court should respect the broad authority of Congress under the Constitution and well-established precedents that allow for a robust Federal role in protecting our environment. The Court should continue to recognize the right of Congress to delegate to the executive branch the day-to-day work, to set pollution standards, to enforce those standards, and the Court must ensure the opportunity for individual citizens to step in when the executive branch fails to do what Congress has directed.

Thank you.

[The prepared statement of Ms. Browner appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Browner.

Our next witness is Professor Kathryn Webb Bradley, senior lecturing fellow at the Duke University School of Law, graduate of Wake Forest and the University of Maryland, first in her class, clerked for Justice White, later became a litigator at Hogan and Hartson.

We thank you very much for coming in today, Professor Bradley, and we look forward to your testimony.

STATEMENT OF KATHRYN WEBB BRADLEY, SENIOR LECTURING FELLOW, DUKE LAW SCHOOL, DURHAM, NORTH CAROLINA

Ms. BRADLEY. Thank you very much. Mr. Chairman, members of the Committee, thank you for allowing me to be here today.

I have been a Democrat since I was old enough to vote. But while the President has not enjoyed my personal support, his nominee has my full and enthusiastic support today. I have known John Roberts since 1990 when I was privileged to serve as law clerk to Justice Byron White. As a law clerk, I watched then-Deputy Solicitor General Roberts argue several cases before the Court. While I was fortunate to see many talented advocates that year, John Roberts stood out in my mind as simply the best.

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What made him so effective was his gift for being able to take extraordinarily complex concepts and then explain them in a way that seemed straightforward, even simple, yet never simplistic. His command of the facts and the law of each case was impressive, not just because of the level of preparation it revealed, but because it enabled him to anticipate and respond to the concerns of the Court about whatever position he was advocating. Inevitably, his colloquy with the Court left the impression that he had blazed for the Court a clear trail that they could comfortably follow to reach the result he sought.

That is not to say that he was successful in every case, but I do believe that in each case his advocacy aided the Court in its decisionmaking process, which is precisely what good advocacy should do.

My admiration for his advocacy skills deepened into a deep respect for his intellect and his integrity during the time we were colleagues at Hogan and Hartson, where I worked with him on a number of appellate and administrative matters. What I remember most clearly, though, are not the details of the cases in which I assisted him, but about the times when his guidance proved invaluable to me. I have time for one of those stories today.

I was a senior associate involved in the defense of a State institution in a suit brought under the Fair Labor Standards Act. The plaintiff had initially filed suit in Federal court, but dismissed the complaint and refiled in State court after the Supreme Court issued its decision in *Seminole Tribe* v. *Flordia*. As I began to look at the issues, I wondered whether we might move to dismiss the State suit on constitutional sovereign immunity grounds similar to those that had mandated dismissal of the Federal suit.

But the only helpful legal authority were a few State trial court cases and one or two articles. So I called John Roberts and I ran the argument by him.

His response was that while I had a colorable legal argument, the theory I was suggesting certainly did not fit within his understanding of the Court's interpretation of the 11th Amendment. We proceeded to file the motion, and when we lost the motion, we filed an appeal, and at each stage, even though he was not directly involved in the case, John was supportive and responsive to my questions. And when our appeal was stayed, pending the Supreme Court's consideration of *Alden* v. *Maine*, which raised exactly the issue that we were litigating, at my request, John Roberts conducted a moot court for the Council for Maine since a decision favorable to Maine would be favorable to our client.

The Supreme Court's decision in *Alden* focused new attention on federalism and received kudos from many conservatives, yet at no point during the time that I worked with John Roberts on this issue did I ever hear him voice anything other than his understanding of the governing precedent and his thoughtful and considered views about what arguments appropriately could be made within the existing legal framework. I certainly never saw any signs at all that he viewed the case as an opportunity to promote a conservative ideology or advance a particular political agenda.

I believe the qualities that I have admired in John Roberts for the last 15 years are precisely those that qualify him to become the

next Chief Justice. The mastery of the law that he exhibited in oral arguments leaves little doubt that he will be able to find a principled way through the murkiest of constitutional waters. His focus on the facts of the case and the circumstances of his clients, suggest that as Chief Justice he will approach each case on its individual merits. His respect for precedent, with his cautious approach to moving beyond its established bounds, offers reassurance that he will respect the role of *stare decisis*. And his collegiality and his congeniality will enable him to lead the Court as Chief Justice with grace and style.

I would like to make two final points. First, in part because of my experience as a Supreme Court clerk, I have development tremendous respect and an appreciation of the role of the Court and the role of the rule of law in safeguarding our democracy.

As a professor of law I make it my business now to try and instill that respect in the students I teach. I could not in good conscience come before you today were I not convinced that John Roberts shares that respect, and will demonstrate it every day that he serves the Court and this Nation as Chief Justice.

Finally, as both a Democrat and a woman, it is fundamentally important to me that the individual liberties of every citizen, including those relating to the right to privacy and the right to be free from discrimination be fully protected. I could not be here today if I did not feel confident in trusting my own rights and those of my children and their generation to John Roberts for safekeeping.

Thank you.

[The prepared statement of Ms. Bradley appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Bradley.

Our next witness is Ms. Anne Marie Tallman, General Counsel of the Mexican Legal Defense and Education Fund, actually President and General Counsel.

Prior to taking that position she had been an executive with Fannie Mae. She began her career with the law firm of Kutak Rock in Denver; bachelor's degree in psychology and political science from University of Iowa, and her law degree from Boalt Hall.

Thank you for joining us, Ms. Tallman, and the floor is yours.

STATEMENT OF ANN MARIE TALLMAN, PRESIDENT AND GENERAL COUNSEL, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, LOS ANGELES, CALIFORNIA

Ms. TALLMAN. Thank you very much, Mr. Chairman, members of the Committee. Thank you for the invitation to testify before you today on the confirmation of John Roberts for the post of Chief Justice of the United States.

I am Ann Marie Tallman, President and General Counsel of MALDEF, the Mexican American Legal Defense and Educational Fund. We are a nonpartisan civil rights organization established to promote and protect the civil rights of over 40 million Latinos in the area of education, voting rights, immigrants rights, access to the courts and employment.

It is in these areas that the writings and decisions of Judge Roberts placed him in positions opposed not only to equal justice for