

Senator THURMOND. Mr. Fred L. Foreman, president-elect, National District Attorneys Association. Mr. Larry Thompson, former U.S. Attorney of Atlanta, Georgia.

And Mr. Chairman, I believe you spoke of Mr. Thompson's statement going in the record. If any of those others who are not here, if you would not object to putting their statements in the record—

The CHAIRMAN. Yes. I thought I had already indicated that, but all their testimony will be placed in the record. I understand they do have testimony they wish to have entered in the record.

Senator THURMOND. Also, I see Mr. Don Baldwin out there. Mr. Don Baldwin is the executive director of the National Law Enforcement Council. He has given fine cooperation to our committee. I have conferred with him a number of times. I have great confidence in him and I appreciate his presence, although he did not testify here today.

So I just want you all to know that we deeply appreciate the interest you take in helping his committee in the matter of the judges. I think probably that ought to be the first consideration in selecting a judge, is whether or not he really believes in law enforcement; whether or not he will, without fail, favor, take steps to punish the criminal. And so I am very pleased that you are here to testify.

Now, from all the evidence that you have heard at the hearing of Judge Kennedy, and the American Bar Association recommendation that he does possess integrity, judicial temperament, and professional competence, are you confident—I assume from what you have said that you feel he should be confirmed by this committee and the Senate.

Is the correct, Mr. Stokes?

Mr. STOKES. That is correct, Senator. I see no reason why not.

Senator THURMOND. Is that correct, Mr. Vaughn?

Mr. VAUGHN. That is absolutely correct, Senator.

Senator THURMOND. Is that correct, Mr. Hughes?

Mr. HUGHES. Yes, sir, Senator Thurmond, and thank you for your fine comments.

Senator THURMOND. I think that is all I have to say. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. The Senator from Alabama.

Senator HEFLIN. Well, I would like to concur in what Senator Thurmond has said about law enforcement, and include Mr. Don Bowen who is here, who does a great job of representing the various elements of the law-enforcement groups that are here, and over the country, and he represents them well here.

I, in regards to the criminal-law aspect of it, I was particularly struck by a speech that Judge Kennedy made on the rights of victims, that he made in March of this year to the South Pacific Judicial Conference in Auckland, New Zealand, and during my questioning I questioned him about that.

He goes into a great number of things that can be done to improve the victims' rights, and it is something that I think all law-enforcement officers would like to see, and maybe it can be made available to them, at least in a synopsis form, if not the full text.

So I thank you for your testimony, and we thank you for your input in all matters that come up before the Judiciary Committee in which you have an interest.

The CHAIRMAN. The Senator from Pennsylvania.

Senator SPECTER. Thank you, Mr. Chairman. Just a question or two. I appreciate the testimony, especially the emphasis on the balance necessary, and I do believe that Judge Kennedy has approached it in that manner.

We have discussed in the course of the past several days cases where he has found the State, liberalizing the introduction of evidence. The *Leon* case, which led to the good-faith exception to the exclusionary rule, and, also cases where he has found against the State, in the Oregon case, perhaps went a little too far, even, on defendants' rights.

He did testify about three specific cases, and I would like to ask each of you about the cases.

He testified about the exclusionary rule, *Mapp v. Ohio*, and he said he felt it was a rule which ought to be retained.

Mr. Stokes, do you think that law enforcement has accommodated to *Mapp v. Ohio*, the exclusionary rule, in the 26 years it has been in effect, since handed down in 1961?

Mr. STOKES. Well, I think in the *Miranda*, as you covered—

Senator SPECTER. No, no. I am on *Mapp* right now.

Mr. Stokes. Oh, okay, on the exclusionary.

Senator SPECTER. Well, take *Miranda*, if you like, and I will give Mr. Vaughn *Mapp*.

Mr. STOKES. In the *Miranda* case, I think it is safe to say that everybody knows the content, and knows their rights under *Miranda*. Every police officer has been educated, reeducated. I think it is even in high-school law, maybe down as low as grade-school law, now, that each individual, each defendant has those rights. I think some cases, the criminal element, whether it is the elite, as you talked about earlier, or down to the street criminal, knows that he, or she, has to be provided their *Miranda* rights. The fact is, I think that is how it evolved, was out of a traffic stop, when it was extended down to the very minute criminal element.

I think it is over-used, or over-extended. It has been carried a little bit further than its initial intent, but again, I think as we professionalize and educate police officers throughout this country, which we have been at before *Miranda* and since *Miranda*, and since some of the other exclusionary, and now the other rules, police officers are functioning in a very professional manner.

I do not think it needs to be carried any further.

Senator SPECTER. Mr. Vaughn, how about the exclusionary rule in *Mapp v. Ohio*? Have law-enforcement officials pretty well accommodated to it, so that it is appropriate, in your judgment, to retain it?

Mr. VAUGHN. Well, I think certainly it has been around long enough that we are certainly used to it. I think law-enforcement, at least to my knowledge, and particularly the IACP, would not support an effort to have the exclusionary rule tossed out completely.

Our concern lies primarily in two areas. One is that the sanctions imposed for what may have been misconduct really do not affect the officer who may have engaged in the conduct. The people