

The CHAIRMAN. Thank you very much, Mr. Collins.

Gentlemen, I have one question. I am not going to ask all of you to answer it, but anyone who wishes to answer, please do. Does it disturb you that Judge Thomas in these hearings endorsed the *Miranda* decisions and the need for *Miranda* warnings? Since you have testified on the crime bill that you would like to see the administration's position, where they would like to see the *Miranda* warnings changed, is that of any concern to any one of you?

Mr. SUTHARD. Mr. Chairman, it doesn't concern me. We have been working with the *Miranda* warnings for many years now, and I think that at the time that came about, it brought about a more reasonable justice system insofar as law enforcement was concerned. It was a real struggle for a while and we have to get adjusted to it, but I think, in the balance, that to be able to inform certain people of what the situation actually is, I think that Judge Thomas brings a good balance to the system.

The CHAIRMAN. I appreciate the answer. I really, quite frankly, had an ulterior motive for asking the question, because all the talk about how police agencies are clamoring for a change in the *Miranda* warning, the answer that I got from you is the answer that I almost always get from every person who has ever been out there in the street, and I just wanted to make sure that was on the record and that you didn't have a problem with Judge Thomas because of that.

Mr. BALDWIN. Mr. Chairman, I would prefer that Johnny Hughes, Sheriff Peed, and Jack Collins expound on this, but—

The CHAIRMAN. I just assume Mr. Collins has no expertise on this, so I would rather—

Mr. BALDWIN. Right.

The CHAIRMAN. I do not mean that as a criticism, I mean he is not a law enforcement officer. But anybody else who wants to expound on it, please do.

Mr. BALDWIN. My observation, from talking with the members of the Law Enforcement Council, as I say, which represents the vast majority of the law enforcement community, is that we believe that some look at it and some modification would be helpful. I don't believe that Mr. Suthard would disagree with that. I think that they have learned to live with it, and I believe they recognize that some modifications and some changes might be helpful.

The CHAIRMAN. What I have heard, quite frankly, Mr. Baldwin—I have great respect for you, you and I have worked together on a lot of these issues, you keep saying that and everybody I speak to in the law enforcement community says it has made them better, the comment made by Mr. Suthard, and I don't hear anybody talking about modification. But that is not really the issue here.

You and I are going to get to debate that a lot in the crime bill, but my point is does it bother you that Judge Thomas wants no modification? Does it bother you, Mr. Suthard and Mr. Baldwin?

Mr. BALDWIN. I didn't read it that he said that he didn't believe there shouldn't be any kind of modification. I think he endorsed the concept of it.

The CHAIRMAN. No, I think he endorsed explicitly. I will go get the record and make sure. Because if you have a problem, we are going to vote on this guy in a little bit, and this is the time to make

sure that we know you have a problem about it, because it is a big deal issue, it is a big ticket item, and I just want to make sure everybody knows what he said. I take him at his word, and I know you do, too. But I heard an explicit endorsement of *Miranda*, nothing about modification.

Mr. BALDWIN. On balance, I find his position a strong one that law enforcement can support. Now, we can single out an issue and might have a little difference, but on balance I would say—

The CHAIRMAN. I am not suggesting, by the way, that if you had a difference that would change the reason to be for him. It is a matter of balance. When 1 of maybe 5 or 6 or 10 most vocally expressed issues, not by law enforcement necessarily, but relative to law enforcement—that is why I wanted to know your stand. I yield to my colleague—

Mr. SUTHARD. Could I expand 1 second?

The CHAIRMAN. Sure you can.

Mr. SUTHARD. It has always bothered me, whether I was a trooper or sergeant, anywhere in law enforcement, that one technical problem could cause a serious offender to be set free because some police officer didn't follow something to the very last point of law. And I have seen on occasions a person who should have been convicted of serious crimes be freed when a police officer made the mistake. And it seemed to me like the police officer perhaps needed to be penalized, and the guy still needed to serve the penalty. To that extent, of course, I would like to see some possibility somewhere of all of the evidence being considered before a case would be thrown out of court based on one technical—whether it is *Miranda* or anything else.

The CHAIRMAN. I thank you for your further explanation. I yield to my friend from South Carolina.

Senator THURMOND. Thank you very much, Mr. Chairman.

I want to welcome you men here today. I want to compliment you for having the courage to come and testify in support of a man that you think will serve well on the Supreme Court of the United States; one who will stand for law and order and protect the citizens of this country. I appreciate your appearing here.

Now, as I understand it, Sheriff Peed, the National Sheriffs' Association has endorsed the nominee here. Is that correct?

Mr. PEED. Yes, sir; wholeheartedly.

Senator THURMOND. Wholeheartedly.

Mr. Hughes, I understand that your organization, the National Troopers Coalition, has endorsed the nominee here. Is that correct?

Mr. HUGHES. Yes, Senator Thurmond; at a meeting earlier this month up in Portland, ME. We certainly did.

Senator THURMOND. Mr. Doyle, you are working with the Troopers Association, too, as I understand it.

Mr. DOYLE. Yes, Senator. That is correct.

Senator THURMOND. You endorse him, too, as I understand.

Mr. DOYLE. That is correct.

Senator THURMOND. Now, Chief Suthard, you represent the International Chiefs of Police, do you?

Mr. SUTHARD. Yes, sir.

Senator THURMOND. I understand that organization has endorsed him.