

I HAD A VIVID ILLUSTRATION OF THE UNIVERSALITY OF THIS HAPPY SENSE WHEN THE WHITE HOUSE CALLED ME TO TELL ME OF THE APPOINTMENT. I IMMEDIATELY TRIED TO REACH MY OLD FRIEND ON THE PHONE TO CONGRATULATE HER, BUT THE CAUSE WAS HOPELESS; EVERYONE ELSE WAS DOING THE SAME THING. FOUR HOURS LATER I DECIDED TO SEND HER A TELEGRAM WHICH I BEGAN DICTATING TO AN OPERATOR. MY MESSAGE STARTED, "I AM ECSTATIC . . ." AND THE YOUNG WOMAN INTERRUPTED TO SAY, "OH BOY, SO AM I!"

The CHAIRMAN. We will now hear from Mr. McNulty.

TESTIMONY OF JAMES McNULTY, MEMBER, ARIZONA BOARD OF REGENTS

Mr. McNULTY. Mr. Chairman, members of the committee, may it please the committee, I am James McNulty, a real country lawyer in a community that seems to have an extraordinary number of like claimants. I am a private citizen, here at my own expense, from a copper mining camp in Arizona on the mountains of the Mexican border, Bisbee, my home for the last 31 years.

Not long ago I had the opportunity of serving in the Arizona State Senate for three terms, terms that overlapped the service of Judge O'Connor in the same body. My testimony is based on that service, on the very close relationships in such a small group, only 30 persons, and relationships built up in the close and sometimes fierce atmosphere of legislative activities.

I want to address an area important to me and one unaddressed by the publicity I have seen thus far touching upon this important nomination.

In 1972, Judge O'Connor led a successful legislative effort to move the noncriminal problems of alcoholism out of the criminal justice system. It was a progressive and thoughtful bill aimed at America's principle drug problem, alcohol.

It freed highly trained officers and expensive equipment and massive blocks of judicial time from the pathetically monotonous chores of booking, fingerprinting, photographing, arraigning, and sentencing public drunks. It put these unfortunates into a program where they are exposed to expert remedial help, and where some began better lives and began feeling better about themselves.

Today in Arizona there is no crime of being drunk in public, but there is a speedy trip to a so-called local alcoholism reception

center, a trip that marks the beginning and the end of the role of the police and all the rest of the law-enforcement apparatus.

The legislation incorporated uncommon vision, hard-headed realism, and high legislative skill. It addressed a corrosive problem on its own terms, and that lengthy law was unconcerned with what I would call orthodox trivialities. It deserves national attention. It suggests a system that can work, and it testifies to the broadness of this nominee's interests and skills.

We liberals occasionally make the mistake of believing that conservatives are inevitably and necessarily callous in social matters. It ain't so, and this is an important opportunity to say so, and simultaneously a superb occasion to give witness to the praiseworthy concerns of this nominee as a public servant in an area of her life which has not been discussed heretofore much, if at all.

This concern of hers only adds another dimension to a person who already has quite a few strings to her bow. I know her to be intelligent and fair minded, to be judicious and patient. I suppose, the way the world works, the first woman Supreme Court Justice has to be superior to most male nominees. Well, she probably is. She does more things better than anyone else I know, male or female.

She knows when to talk and when to listen, and that following rules in the absence of any other direction is well advised, although the first rule is to suspend all the other rules when commonsense demands. In short, I think our citizens are, by a disposition toward fairness, ready for a woman for all seasons.

If you approve her, as I most heartily recommend you do, then you do a service to our Nation, to the legal system of this country, and you begin what would be—even in the absence of the high skills of this nominee—a wholesome, fuller view of our society.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. We are very pleased to have you with us, Mr. McNulty, and we thank you both for your appearance here today.

Are there any questions that any member has? Do any committee members have any questions?

[No response.]

The CHAIRMAN. It appears not.

Our next witness is Ms. Brooksley Landau, representing the American Bar Association, if you will come around, Ms. Landau. Hold up your hand and be sworn.

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. LANDAU. I do.

The CHAIRMAN. Ms. Landau, I believe you are representing the American Bar Association.

Ms. LANDAU. That is correct, Mr. Chairman.

The CHAIRMAN. You may proceed.

TESTIMONY OF BROOKSLEY LANDAU, CHAIRPERSON, STANDING COMMITTEE ON FEDERAL JUDICIARY, AMERICAN BAR ASSOCIATION

Ms. LANDAU. Thank you.