

exercise that power responsibly. As Justice Stone once observed, and I quote, "The only check upon our own exercise of power is our own sense of self-restraint."

This hearing will help us to determine, as a Congress and as a country, how Judge Souter intends to exercise that power and that restraint.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, very much, Senator.

Now, Judge, what I propose to do before we break is to have our two distinguished colleagues, both of whom strongly favor your nomination, join you at the table. I will ask the senior Senator, Senator Humphrey, to speak first, and then Senator Rudman. At which time, after that is done, Judge, with your permission, unless you would prefer to do it another way, I would suggest that we break; we will come back; I will swear you in and we will hear your opening statement and then begin the questioning.

Is that all right with you?

Judge SOUTER. Yes, sir.

The CHAIRMAN. Senator Humphrey.

STATEMENT OF SENATOR GORDON J. HUMPHREY

Senator HUMPHREY. Thank you, Mr. Chairman.

With my colleague, Senator Rudman, I take pride in introducing to the Judiciary Committee, Judge David Souter, of Weare, NH.

I have to, because we are so very proud of our State, I have to correct my dear friend from Utah, it has not been 145 years since someone from our State sat on the Supreme Court. In fact, Chief Justice Harlan Fiske Stone was born in New Hampshire in the town of Chesterfield and he served, of course, until his death in 1946.

The uninformed suggest that David Souter is from a small town. Well, Mr. Chairman, I think perhaps you are better informed on this point than others, because you visited our State extensively drawn by its natural beauty and conservative politics. [Laughter.]

The CHAIRMAN. I wish I had been able to stay longer. [Laughter.]

Senator HUMPHREY. So do we. Drawn as you are by its natural beauty and conservative politics, but the uninformed, Mr. Chairman, think that David Souter is from a small town. Nothing, in fact, could be further from the truth, because where is a town so very large in area that it has no less than five separate metropolitan centers? There is the village of Weare, itself; there is East Weare, from which the Judge hails; there is South Weare; by now you might have guessed there is a West Weare; and, in fact, in the north, Mr. Chairman, is the village, which is sometimes abbreviated on signs as No. Weare, and sometimes pronounced by tourists as Nowhere.

But we do not mind tourists laughing at our signs, or even laughing at us, as long as they spend all of their money before they go home because that helps to keep down our taxes.

Mr. Chairman, the elegant pundits here, inside the beltway, think that David Souter may not be quite up to the big city or the big time because he drives a clunky old car, because he believes in conserving energy by not mowing his lawn until the grass begins to

block his view from the window. They think maybe a small-town fellow is not good enough for the big city of Washington, DC.

Well, my dear colleagues, I believe that you will find David Souter to be as smart as anyone in this city. I believe you will find him to be as sophisticated as anyone living up in Georgetown. I think you will find that he has a wonderful sense of humor. That he does not take himself too seriously.

On that point, I want to quote from a letter sent to the New York Times, and published in the New York Times by William Bardell who was a law school classmate of David Souter's and a fellow Rhodes scholar during their student days.

He says, "What I remember is David very gentlemanly, with his hands in the pockets, telling stories especially with his imitations of New England accents." He added, "I am pretty sure also that he climbed in a few windows with me after midnight when they locked the college gates."

Mr. Chairman, I believe that our colleagues will find that David Souter enjoys the company of others every bit as much as he enjoys the company of his famous collection of books on history, philosophy, and the law.

Here is a man who works hard, yes, very hard, in a very disciplined way. But he is a man who also, for example, enjoys stopping by to visit older folks on his way home from weekly worship. He is an admirable human being.

On the professional side, for 22 years, David Souter has faithfully gone about the business of enforcing the law, and dispensing sound justice. He has enforced the law as our State's attorney general. He has presided over jury trials as a superior court judge, and he has served with distinction on our State's highest court, the supreme court.

Judge Souter's selfless commitment to public service surely tells us something about the qualities, the human qualities that he would bring to the Supreme Court. With his sterling credentials, as a graduate of Harvard Law School and as a Rhodes scholar at Oxford's Magdalen College. Every one of us knows that he could have been earning millions these past years as a partner in a prestigious firm in Boston or New York, but instead, he has devoted himself to positions of very high responsibility, but rather modest financial compensation. Shunning personal aggrandizement and self-promotion, he has found his compensation, instead, in pursuing the interest of justice in the public good.

But the best measure, surely the best measure is the opinion of those who know him best. In a close-knit State like ours, anyone who has been in public service as long as David Souter is well-known by people across the State. So it is especially revealing that folks of all political persuasions, Republicans and Independents, Conservatives and Democrats, women, men have offered high praise for Judge Souter's fairness, for his fairness, for his diligence, and his grasp of the law.

Support and respect for Judge Souter among members of the legal profession in our State has been virtually unanimous and let me read a few brief quotes. The New Hampshire Bar Association president, John Broderick—who is, by the way, a Democrat—says this: "He is the finest legal mind I have ever encountered. He gets

to the bottom line faster than anybody I have ever seen." He adds, "He is a judge's judge, extraordinarily talented and impeccably fair. He will not cast his lot with the conservatives on the Court merely because they are conservatives. He is fiercely independent in his legal reasoning."

Kathy Green, president of the New Hampshire Association of Criminal Defense Lawyers, who has tried many cases before Judge Souter, says this: "He was an excellent trial judge, though he was the kind of judge you knew was really going to hammer people at sentencing."

"I am a Liberal," Green concluded, "but I have tremendous respect for Judge Souter. I think he will honor the Constitution."

Paul McKechn, a well-known political activist, candidate for Governor, a Democrat, past president of the New Hampshire Bar Association says this: "My impression is that he is a first-rate scholar. He is going to be confirmed and deservedly so."

Finally, a resolution passed by the New Hampshire Bar Association unanimously adopted and I will just read the resolve clause:

Be it resolved that the New Hampshire Bar Association on behalf of its 3,400 members, acting through its Board of Governors, unanimously and enthusiastically supports and endorses the nomination of David Souter and proudly commends its respected member for confirmation to the Federal Bench by the United States Senate.

Mr. Chairman, David Souter is well seasoned. This is interesting: No current member of the Supreme Court had the breadth of judicial experience at the time of nomination as Judge Souter has, as both a trial and appellate judge. Two of the Justices now on the Court had no judicial experience at all when nominated. Five of them had varying amounts of experience as appellate judges, but none as a trial judge, and only Justice O'Connor had both trial and appellate experience when she joined the High Court, but then not nearly as much as Judge Souter.

By any measure, then, Judge Souter is ideally prepared to serve on the Supreme Court. He has been actively engaged in the trenches, rather than offering commentary and criticism from the sidelines. Judge Souter's 12-year judicial record is there for all to see, and it provides the strongest possible proof of his judicial excellence.

This point was expressed well by Prof. Joseph Grano, a distinguished professor of law at Wayne State University Law School, who in a detailed report he prepared on Judge Souter's opinions in the criminal law area, said this:

From the cases I reviewed, I can find no legitimate basis for either side of the political spectrum opposing this intelligent jurist. Of course, those who want politics, rather than law from the Supreme Court, those few, Justice Souter is not the right person. For those who know better, it should be evident that President Bush has made an excellent selection.

Mr. Chairman, it is a credit to Judge Souter's spotless record that the critics have resorted now to the game of "trivial pursuit" in their efforts to find something negative to write about. Frustrated in their search for a smoking gun, some pundits have lamely suggested that a scholarly bachelor somehow lacks the perspective to be a good Supreme Court Justice.

Such critics need to be reminded that one of the Nation's most eminent and humane Justices, the great Benjamin Cardozo, was a scholarly bachelor. As always, my colleagues, we need persons marked by fairness, wisdom, and self-restraint sitting on the bench. Judge Souter fits that description in every way.

President Bush has made an excellent nomination. I am honored, therefore, to introduce him to my colleagues on the Judiciary Committee and confident that he will leave them impressed in every way.

Thank you.

The CHAIRMAN. Thank you, Senator, for a thorough and entertaining and informative opening statement.

Senator Rudman.

**STATEMENT OF HON. WARREN B. RUDMAN, A U.S. SENATOR
FROM THE STATE OF NEW HAMPSHIRE**

Senator RUDMAN. Mr. Chairman, Senator Thurmond, and my colleagues on the committee, it is a very rare event in a public career that one has the opportunity to recommend a close and dear personal friend, as well as a former colleague for the highest position the legal profession offers, that of Associate Justice of the U.S. Supreme Court.

Therefore, this is a very special privilege for me personally, because more than 20 years ago, when I was attorney general of New Hampshire, I first met a young lawyer named David Souter and, like many, I recognized that this was a rare man, of great talent and extraordinary capacity for legal analysis, and quiet strength.

We worked together for 6 years, but more importantly, we have been friends for 20. So, I do feel qualified, not only to introduce this nominee to the committee with my colleague Senator Humphrey, but also to discuss his enormous capability, his accomplishments, and his humanity.

David Souter, throughout his distinguished career, has demonstrated that he possesses the intellectual judicial temperament, the personal qualities that will make him an outstanding addition to the Court.

His scholastic credentials we have already heard, Harvard, the Rhodes scholarship, Harvard Law School, and the positions in public life. But his personal credentials are equally impeccable—fairminded, considerate, eventempered, warm, and compassionate. It speaks volumes that the consensus in New Hampshire, from lawyers, judges, Democrats, Republicans, liberals and conservatives, is that David Souter is eminently qualified for the U.S. Supreme Court.

As a member of the superior court, the trial court of general jurisdiction of the State of New Hampshire, David Souter witnessed the panorama of life. As a trial court judge, he dealt with the gritty and oftentimes unappealing cases which, unfortunately, packed the docket and comprise a part of American life today.

He presided over cases involving the full range of people who comprise our society, from the poorest to the most affluent. As a trial court judge, he confronted cases of violent crimes, the scourge