

fore he must have thought it or he must have said it some time? Is that what you are saying?

Ms. HERNANDEZ. No. If you look at what he said, he said, you know, that he could possibly have been misquoted, or he doesn't remember saying it. He never said, "I didn't say it," or, more importantly, "That statement, if I did say it, did not represent what I believed then," or, more appropriately, "does not represent where I stand today." That is one.

Now, on the second question—which I forgot. What was it?

The CHAIRMAN. That is understandable. The second question, I almost forgot, was that he indicated that with regard to the standard that should be applied when discrimination is found, he was asked by me and others what action the Government should take—because, as you know, the debate is just stop it and don't let it go forward, or go back and attempt to undo the wrong that was done. And he said that the appropriate response was to go back and undo the wrong, that Government must go back and undo the wrong.

Obviously, you find no solace in that assertion.

Ms. HERNANDEZ. Let me tell you why I find no solace. In reviewing our position as to Judge Souter, not only did we look into the few instances in which he had dealt with civil rights, and in those instances had been antagonistic, but we also reviewed the 200-some cases that had come before him. And our concern is his view of the courts, of the legal profession, and they are very limited. Whenever possible, and in the cases that he has taken, he has not seen the courts as an avenue for redress. Moreover, which is something that is of great concern to us, we want to know on what past record must we place our belief that he understands and that he is committed to these issues.

It is surprising that in his entire opening statement he never raised or addressed the issue of civil rights, and it was the prodding of you, Senator Kennedy, Senator Simon in which he was given opportunity after opportunity to say something about these issues, that he addressed questions that you posed. He had no problem addressing, you know, his values, his positions on, let's say, criminal justice, the death penalty and other issues. Those are values. And the questions that we asked ourselves is: What are his values as to these issues? Upon what is he going to draw? On what experiences—when he says that there is no discrimination in New Hampshire—is he going to draw when he decides issues of concern to us?

You know, the English-only issue has been very divisive in New Hampshire if you go beyond affirmative action. For the Hispanic community today and in the 1990's, the issue of access to the voting booth is critical to us. And for him to make those statements—so, yes, I was heartened that he made some statements after some prodding, but I would like to see much more than that. And why is this critical? This is not just another Associate Justice to the Supreme Court. That is what is at stake here today.

The CHAIRMAN. Thank you very much. My time is up.

I yield to my colleague from South Carolina.

Senator THURMOND. Thank you, Mr. Chairman.

There was a reference made to Daniel Webster College. I have been informed that Daniel Webster College was founded by Senator Rudman about 1965, that he was chairman of the board until 1980,

that it is an aeronautical training and business college. I just wanted to put that on the record.

I have no questions of these witnesses.

Senator KENNEDY [presiding]. I want to join the chairman in welcoming the panelists to the committee and express our appreciation for the time that you have spent in the consideration of your recommendation.

I would just ask of Mr. Rauh, were you able to complete your thought on the kinds of incidents which had taken place in New Hampshire? Were there additional points that you wanted to make in just completing the testimony?

Mr. RAUH. Thank you, sir. I did say a sentence or two in a hurry about each of the 10 examples. We have then another 10 or a dozen that we are putting in the record. I don't know if you were here the whole time, but I wanted to make sure that I had made myself clear.

We are not charging anything on the judge. We are charging he didn't do anything. We are charging he hasn't done anything. He claims that there is no discrimination. How can a man who says there is no discrimination find discrimination? How can he be so insensitive to our problems? We are not making an attack on him.

I would like, if I might, to address myself to Senator Thurmond. I have a letter here from 22 students there which includes this statement:

These harassments range from students dressing as members of the Ku Klux Klan, walking around the college yelling "We don't want your kind around here," to the breaking, entering, and destruction of our rooms and personal property. The slurs "KKK" and "niggers suck" are frequently written on the walls of our rooms.

Now, to forget that, to try to put that under the table or sweep it under the rug because Senator Rudman may have had a connection with this about which I didn't know, but the fact of the matter is, Senator Thurmond, that this letter shows what kind of a place it is, and that these students that were harassed, there was no outcry from the attorney general. They made a plea for help. No help whatever. This is an insensitive man that you are foisting on us.

Senator KENNEDY. I think all of us, including my own State, have gone through and continue to go through a good deal of anguish, in terms of trying to deal with the problems of racism, and that continues even today and has existed for a long period of time. I think we understand that that certainly is not limited to the problems in any particular part of the country. It is more widespread than is generally understood.

There is the Human Rights Commission in new Hampshire and they deal with a number of allegations, charges, and complaints. And as I understand the procedure, when there is some finding and when the Human Rights Commission then is challenged by a defendant, then the attorney general represents the Human Rights Commission, so there is this association with the Human Rights Commission. I believe that to be the situation.

I was wondering, in your review of the record, whether the problems dealing with race had been raised with the Human Rights Commission and what the record—you know from your own—