

Senator THURMOND. Mr. Stokes, we will be glad to hear from you.

STATEMENT OF DEWEY R. STOKES

Mr. STOKES. Mr. Chairman and members of the Senate Judiciary Committee, it is, indeed, an honor and a privilege to testify before you today on what is perhaps the most important single subject this distinguished panel will have to consider during this session of Congress: the nomination of Judge David H. Souter by President Bush to the Supreme Court of the United States.

My name is Dewey Stokes. I am the national president of the Fraternal Order of Police, representing 216,000 police officers in some 48 States. The FOP represents "the cop on the street"—the police officer most likely to be the first line of defense between the criminal element and the society at large.

The nature and the background of those that I have been elected to represent confers upon me a special obligation whenever I appear before an elected representative group. And I have testified before this committee on a variety of legislative topics. But perhaps in appearing today to speak on the nomination of an individual to the highest Court in this great country, my responsibility to law enforcement everywhere has never been any greater.

Mr. Chairman, you and your colleagues have heard a variety of witnesses, all of them experts in one field or another. Some are lawyers recognized for their professional achievements, and others are scholars in constitutional law. Still others are representative of certain organizations, like the FOP, with a legitimate interest in the workings of the Supreme Court. But very few of the witnesses appearing before you on this subject will feel the daily and direct impact of the decisions of Justice Souter as will the members of my profession. The typical law enforcement officer is charged with the awesome responsibility of enforcing the laws of this Nation, especially as they are interpreted by our courts. Lawyers and scholars may debate the fine points of law, but the police officers place their lives on the line each day carrying them out and don't have the luxury of the time to discuss or research when making those split-second decisions.

With my perspective viewed in such a clear context, let me formally state for the record that the National Fraternal Order of Police endorses the nomination of Judge David H. Souter to the Supreme Court and has so acted in a resolution passed this weekend at our national board meeting.

Knowing that the time of the committee is a valuable commodity, Mr. Chairman, I will not attempt to engage either you or your colleagues in a scholarly discussion on the legal subtleties of Judge Souter's previously authored opinions or on the arcane points of constitutional law. I will leave that task to the lawyers and the other professors. I will, however, try to tell you in simple terms why the FOP believes very strongly that Judge Souter's nomination to the high Court will benefit the law enforcement community as well as the country as a whole.

Today, every 24 minutes, a citizen dies in a violent act. Yet a law enforcement officer is killed every 57 hours. So I, along with the

FOP executive committee and our general counsel, have had the opportunity to review a number of over 200 opinions which Judge Souter authored during his 7 years on the New Hampshire Supreme Court dealing with the issues important to the police community. Whether that subject at issue involved criminal procedure, due process, *Miranda* warnings, search and seizure or sentencing, I was repeatedly impressed with the striking clarity of his reasoning and his dedication to applying a given rule of law in a common sense manner to the case at hand. In doing so, I believe that Judge Souter possesses a unique ability to posit a question of law in terms of the principal purpose of a given statute versus its specific intent. In this way, Judge Souter has demonstrated an appreciation for the application of the black letter of the law to fact patterns and situations faced daily by the police officers of this country in the course of discharging their sworn duties that do not always lend themselves to tidy, legalistic conclusions.

The FOP is supportive of Judge Souter not just because of his work on the bench, but also because of his impressive track record while in the office of attorney general for the State of New Hampshire. During his rise through the ranks from an assistant attorney general in the criminal division to deputy and finally to attorney general, Judge Souter consistently demonstrated an appreciation for those of us serving on the front lines of the war on crime.

Why is it that everyone is concerned about equal representation on the Court? So, therefore, I ask you, why not a prosecutor on the Court? Why fill the Court with defense attorneys and corporate lawyers? We would appreciate someone on the Court who understands and can feel what we in law enforcement go through on a daily basis.

Just as important as any other one specific opinion authored by the nominee is, however, the suggestion of a common thread woven throughout the fabric of Judge Souter's legal writings. I believe that common thread or theme to be a strong devotion to the integrity and independence of the judicial branch of the Government and the vital role that it must play in our form of Government. The very validity of our judicial branch of Government rests upon the cornerstone of a fundamental commitment to established rules of law completely divorced of all political or personal dynamics. What my fellow law enforcement officers want in a judge, in any judge, is a consistent, impartial, concise and fair adjudication of the fact and law that helps us do our job in a professional as well as efficient manner. In this regard, I strongly believe that there is no question but that Judge Souter embodies these qualities.

I cannot help but to be dismayed by certain elements, across the ideological spectrum, at work here today who seek to elicit the "right" or the "correct" answer from the nominee on a variety of constitutional law subjects prior to the rendering of an endorsement. The 1988 Democratic nominee for President was fond of framing the central issue of that election as being "not of ideology, but of competence." Leaving aside the validity of that observation in that particular context, I wonder whether that statement might be more topical to today's proceedings instead.

At our recent national board meeting, our trustees presented that resolution in a unanimous form, and we, therefore, strongly support and urge that you confirm Judge Souter.

Mr. Chairman and members of the committee, I urge you to move the nomination forward as rapidly as possible and for confirmation, not just for the protection of law enforcement but for the benefit of all Americans.

I thank you for the opportunity to express the views of law enforcement and our concerns and our position on this issue.

[The prepared statement of Mr. Stokes follows:]