

nesses were called, if that is appropriate, if no one objects. That means if you would be willing to begin, General Bell, I would appreciate it very much.

PANEL CONSISTING OF HON. GRIFFIN BELL, FORMER ATTORNEY GENERAL OF THE UNITED STATES; HON. SLADE GORTON, A U.S. SENATOR FROM THE STATE OF WASHINGTON; HON. GERALD BALILES, FORMER GOVERNOR AND FORMER ATTORNEY GENERAL, STATE OF VIRGINIA; AND HON. JEROME DIAMOND, FORMER ATTORNEY GENERAL, STATE OF VERMONT

STATEMENT OF GRIFFIN BELL

Mr. BELL. Thank you, Mr. Chairman, other members of the committee.

I would like to begin by thanking the committee as an American citizen for the good job you have done in these hearings. I have seen a lot of these hearings, and I think this is a classic. It will be a model for the future, and I want to congratulate you.

The CHAIRMAN. Thank you.

Mr. BELL. The duty under the Constitution to advise and consent fits in very well with the idea that the Founding Fathers had that they would not have judges stand for election, but they would insulate them by having the President select the judges and the Senate would advise and consent. That has worked very well in the history of our Republic, and it seems to be working well in this case.

I tried to fashion a formula that you would use in a court of law, and my idea would be that the President send a nominee to the Senate with a rebuttable presumption that the person ought to be confirmed; whereupon, the Senators would put the nominee through vigorous and searching cross-examination, and if they don't find something of serious importance, they usually vote to confirm. That is exactly what has happened in this case.

I went back and found Chairman Biden's test, and he used this in the case of Justice O'Connor, where you said that the record showed that she was a woman of competence, intellect, and high moral standing, and has a record of 25 years or more of public service that reflects a judicial bearing and a judicial temperament. And you thought that was a sufficient basis to confirm Justice O'Connor.

I would adopt that test, and I would add two other things. One is I would want a person to serve on our court that would seem to me to be a decent person, a person of innate decency. I think Judge Souter reflects that, reflects all of these qualifications. And I would ask myself two questions. Has he demonstrated a vision of our country and of our Constitution and our body of law and how it fits together? I think he had done that. I watched a good deal of his testimony on C-SPAN, and I think it has been remarkable. I think he does have the right vision for our country and for the law of our country.

The last thing I would ask, before I voted for him, is would I trust him with the office that he is about to assume and with the responsibilities of that office or with our rights as American citizens would I trust him. Having read some of his opinions and watched him testify—I have only met him once in my life, until

this morning. When I was serving as Attorney General of our country, he was the attorney general of New Hampshire, and I met him at a meeting that we had with a number of the State attorneys general.

I believe that based on the record he ought to be confirmed. With that, I will close and stand for questions at the appropriate time.

The CHAIRMAN. Thank you very much, General.

Senator Gorton, welcome.

STATEMENT OF SENATOR GORTON

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

By coincidence, my first meeting with David Souter, the nominee, took place very close to the time at which Judge Bell first met him. During Judge Bell's first year as Attorney General of the United States, I was president of the National Association of Attorneys General, and Warren Rudman was finishing his distinguished term as attorney general of New Hampshire. I may tell you, Mr. Chairman, that I was disappointed that Warren left that position and turned it over to an individual whom I had not previously known and about whom I knew nothing.

My wife and I had the good fortune to spend a long, 2- or 3-hour lunch hour with Warren Rudman in which he introduced me to David Souter in the first 2 or 3 months in which he was attorney general of New Hampshire. I found him to be witty, delightful, thoughtful, and intelligent during the course of that lunchtime, and I did pay more attention to him than normally one State attorney general from the far end of the country would from someone from New England, for two reasons. The first was that he was the successor of now Senator Rudman, who was then, as he is today, a close friend of mine; and the second was that I was the president of the national association and felt it important to make new members welcome and to get some insight into their character and their intelligence.

If I may, I will share one story which shows something about his wit, of which I was reminded very recently. During the week after Judge Souter was nominated for this position and was here in Washington, DC, going from office to office to meet the members of this committee and of the leadership, he asked Senator Rudman that I be added to that list at the end of the week, in spite of the fact that I was not a member of the committee. After we had talked in private for a while, he smiled and said, "Well, however controversial my nomination is, Slade, you may remember that you do have a legitimate reason for voting against my confirmation." As I looked at him with a blank expression on my face, and he said, "Well, you remember when we first met that summer when I became attorney general, and it turned out that you and your predecessors had finally persuaded the attorney general of Hawaii to invite you for your national winter meeting in Honolulu. And the New Hampshire press came to me and said, "Are you going to attend that boondoggle in Honolulu?" And I said, "I'll never waste the taxpayers' money of New Hampshire on such a frolic as that." And he said, "It got on the AP wire, and close to a dozen other attorneys general felt they had to cancel out on your meeting at the