

to approach issues. Simply stated, I knew him as an intellectually gifted, analytical lawyer, a synthesizer of problems, empathetic, not a populist but a rationalist, one who is moderate in tone and expression.

I especially recall forming an early impression that here was someone with impeccable integrity and honesty, who possessed a wry sense of humor which would flash at unexpected points during conversation.

In 1976, I began serving in the Virginia General Assembly, and Judge Souter was appointed attorney general of New Hampshire. In 1981, I was elected attorney general of Virginia, and Judge Souter was then serving as a member of the Superior Court in New Hampshire. In 1985, I was elected Governor of Virginia, and Judge Souter was serving on the supreme court of his native State.

Today, I am partner in charge of international trade at the law firm of Hunton and Williams. You may recall that this is the same firm from which Justice Powell came, and I am struck by the similarities in the personal qualities of these two men.

My contact with Judge Souter understandably has not been as frequent in recent years, but I have no reason to change my impressions or qualify my friendship. Senator Rudman has kept me apprised of Judge Souter's progress in New Hampshire, and the judge and I have exchanged an occasional note or call. I count him as a friend and believe that he will serve with distinction as a member of the U.S. Supreme Court, and I urge his confirmation.

Senator KENNEDY [presiding]. General Diamond, we are glad to hear from you.

#### STATEMENT OF JEROME DIAMOND

Mr. DIAMOND. Members of the committee, I guess I know David Souter better than anyone else on this panel. He cost me my trip to Hawaii because I was in the neighboring State of Vermont, and as soon as he announced that he wasn't going, the press wanted to know whether I was going.

I served three terms as attorney general of Vermont, and the middle term of 1976 to 1978 I had the pleasure of having David Souter as a colleague and, as it developed, a friend in the next State of New Hampshire. And I want to share with you some observations not only from those years but from some recent years; because while he left politics and became a judge, we maintained a relationship that was more particularly focused in the last 4 years as the result of an annual dinner that is shared—and I guess we are going to have to give it a new name. It started in 1986 as the "Annual Frank Bellotti Retirement Dinner," but hopefully today he will be coming back out of retirement in the Massachusetts primary.

The purpose was to bring together all the attorneys general from the Eastern States, present and former, who had served during the 12 years that Frank Bellotti served as attorney general of Massachusetts. It is a dinner once a year, and for me it was an opportunity to drive to Concord, NH, and meet up with David and our mutual friend, Tom Rath, and spend the next 1½ hours going to Boston that evening, and then 1½ hours in the car coming back,

and to do that on an annual basis. It is from those evenings and from the 2 years that we spent together that I would like to offer a few comments.

First, he ran a very, very efficient and effective office. We cooperated extensively on issues of law enforcement, antitrust, consumer protection, and the environment. He did so with a handicap, and the handicap was his method of selection as attorney general. I think that that method of selection is very important and should not be overlooked by this committee.

He was not an elected attorney general. He was not even, like in the State of New Jersey, an appointed attorney general who had the right not to be removed from office by the same appointing authority during the term of his office. He had the full extent of the handicap. He was appointed by Governor and executive council, and he could be removed by that same Governor and executive council within his 2-year term. That by necessity made him more of an attorney for the Governor and the executive agencies than for the people themselves.

We even debated this subject once on Rex Marshall's radio program at the Hanover Inn. But I mention this because he made a decision that could have cost him his job from which I gained a tremendous respect for him. He appealed the Seabrook siting decision on the basis of safety and environmental concerns. He did that in the face of strong opposition from the Governor that had appointed him and came close to losing his position. I found that that courage, that commitment to issues, particularly in the tenuousness of his position, was extremely admirable and something worthy of tremendous respect.

I had an opportunity to attend a law enforcement meeting back at the time of the Seabrook protests. They had not begun at that time, and it was a meeting of law enforcement officers from Vermont and New Hampshire, State troopers, municipal officers, and David Souter was in charge of the pre-planning meeting. Lots of people have an opportunity to be treated with dignity if they are dealing with peers.

One attorney general to another attorney general, an attorney general to his staff, you might be expected to see a real dignity extended towards other individuals. What I saw that day in a situation where few law enforcement officers ever have an opportunity to have a one-on-one relationship with the attorney general of their State was his treating each officer with the same type of dignity that he extended to his fellow attorneys general and to members of his staff. And it was something of a personal attribute that I was extremely impressed with.

I have to tell you, if it hasn't been brought out so far, that David Souter does take a drink on occasion; he does smoke a cigar on occasion. But in all the time that we have spent together, the issues that have been discussed have been issues of politics and economics and judicial misconduct and the environment—hours of discussion in which I have to draw two conclusions. First, there is an honesty and an integrity to him and to his thought processes that is a rare commodity today. And, second, he is an individual that is about as prejudice-free as any person I have ever met in my life.

I can only really say that about two people, and, strangely enough, by irony, both of them are from small towns in New Hampshire. One is David Souter, and the other is my wife.

Lastly, I want to talk about an issue—

The CHAIRMAN. We all have to think that of our wives. Otherwise, they wouldn't have married us. [Laughter.]

Mr. DIAMOND. Last, Senator Biden, I want an opportunity to address an issue that really is, to me, the most important issue involving his nomination.

The CHAIRMAN. General, I don't want to push you too far, but I don't want to get myself in trouble the rest of the day. You are way over your 5 minutes. So if you could summarize, we would appreciate it.

Mr. DIAMOND. I will, indeed.

To me the issue of civil rights and a commitment to the guarantee and protection of civil rights is the most important issue facing this committee and its decision on a nominee to the U.S. Supreme Court. When I had an opportunity to work with Pat Leahy for 6 years as a State's attorney in Vermont, we came to know that our grandparents as immigrants to this country—his Catholic, mine Jewish—made us extremely aware that the guarantee of those civil rights was the difference between this country and all others and what made this country great.

I am coming to this committee to say to you that I believe there could be no fairer person than David Souter to sit on the Supreme Court and to judge and to guarantee the civil rights to me and to all my fellow citizens in this country. And, without reservation, I hope that this committee will ultimately unanimously endorse his nomination to the Court.

The CHAIRMAN. Thank you very much, General.

Senator THURMOND.

Senator THURMOND. Thank you, Mr. Chairman.

I am impressed. I don't know when we have had four more impressive witnesses before this committee sitting at one time: a former U.S. circuit judge and former U.S. Attorney General, able former attorney general and able Senator from Washington State, able former attorney general and able Governor of Virginia, and able attorney general of Vermont. We thank you for coming here and testifying. We appreciate your taking the time to do so.

I am just going to ask you one question. I will ask it, and then each one of you can answer it. Is it your opinion that Judge Souter has the competency, the dedication, the courage, the integrity, and the fairness to be a Justice of the Supreme Court of the United States? We will start with you.

Mr. BELL. That is my opinion.

Senator GORTON. Yes, sir.

Mr. BALILES. Yes.

Mr. DIAMOND. Yes, sir.

Senator THURMOND. That is all. Thank you very much.

The CHAIRMAN. Senator Heflin.

Senator HEFLIN. Judge Bell, we are delighted to see you back here again. You add an element of trust to these proceedings. Knowing your background on the fifth circuit in dealing with judges and dealing with the Constitution while serving in the fifth