

TESTIMONY

ON BEHALF OF

JUDGE DAVID H. SOUTER'S

CONFIRMATION TO THE UNITED STATES SUPREME COURT

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

**CHIEF EDMUND MOSCA, CHAIRMAN
IACP'S LEGISLATION COMMITTEE**

SEPTEMBER 18, 1990





The International Association of Chiefs of Police is a professional organization comprised of over 14,500 top law enforcement executives from the United States and 76 nations. IACP members lead and manage several hundred thousand law enforcement officers and civilian employees in international, federal, state, and local governments. Members direct North America's largest police departments including New York City, Los Angeles, Toronto, Chicago, Detroit, Montreal, and Houston, and head the national police forces of Israel, Denmark, the Phillipines, Korea, and Liberia, among others. Thousands of suburban and rural police agencies throughout the world are also represented.

Since 1893, the IACP has facilitated the exchange of important information among police administrators and promoted the highest possible standards of performance and conduct within the police profession. This work is carried out by functionally oriented committees consisting of police practitioners with a high degree of expertise that provide contemporary information on trends, issues, and experiences in policing for development of cooperative strategies, new and innovative programs, and positions for adoption through resolution by the association.

Throughout its existence, the IACP has been devoted to the cause of crime prevention and the fair and impartial enforcement of laws with respect for constitutional and fundamental human rights.



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**EDMUND H. MOSCA IS CHIEF OF POLICE OF THE OLD
SAYBROOK, CONNECTICUT DEPARTMENT OF POLICE SERVICES. HE
BEGAN HIS CAREER IN LAW ENFORCEMENT IN 1960, AND RECEIVED
HIS PRESENT APPOINTMENT IN 1971, FOLLOWING STUDIES AT THE
CONNECTICUT CHIEFS OF POLICE ACADEMY, THE COMMAND
TRAINING INSTITUTE AT BABSON COLLEGE, AND THE FEDERAL
BUREAU OF INVESTIGATION'S NATIONAL ACADEMY IN WASHINGTON,
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GOOD MORNING CHAIRMAN BIDEN AND JUDICIARY COMMITTEE MEMBERS. I AM EDMUND MOSCA, CHIEF OF POLICE IN OLD SAYBROOK, CONNECTICUT AND CHAIRMAN OF THE LEGISLATION COMMITTEE OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) . ON BEHALF OF CHIEF CHARLES GRUBER OF ELGIN, ILLINOIS, OUR PRESIDENT, AND OUR ENTIRE MEMBERSHIP, I THANK YOU FOR AFFORDING US THE OPPORTUNITY TO BRIEFLY ADD OUR VOICE TO THOSE NUMEROUS OTHERS WHO HAVE COME BEFORE YOU IN SUPPORT OF JUDGE SOUTER'S NOMINATION TO THE SUPREME COURT.

THE IACP'S GOVERNING BODY CAREFULLY REVIEWED THE BACKGROUND AND EXPERIENCE OF JUDGE SOUTER. WE WERE DEEPLY MOVED BY THE MAN, HIGHLY IMPRESSED WITH HIS LEGAL TRAINING, AND GREATLY SWAYED BY HIS RECORD AS A JURIST. WE BELIEVE HIM TO BE EXTREMELY WELL-QUALIFIED TO SERVE ON THE HIGHEST COURT IN THE UNITED STATES. OUR GOVERNING BODY VOTED UNANIMOUSLY TO ENDORSE HIS NOMINATION.

IN DETERMINING OUR ENDORSEMENT OF JUDICIAL NOMINEES, WE RELY HEAVILY ON THE INPUT OF OUR AFFILIATED STATE ASSOCIATIONS. IACP MEMBERS FROM NEW HAMPSHIRE ARE HIGHLY VOCAL AND MOST ENTHUSIASTIC IN THEIR SUPPORT FOR JUDGE SOUTER. THEY KNOW HIM TO BE A COMMON SENSE JURIST WITH A DEEP RESPECT FOR THE VALUES OF LAW AND ORDER IN OUR SOCIETY. HIS OPINIONS CONCERNING SEARCH AND SEIZURE LAWS, MIRANDA RIGHTS, FIFTH AMENDMENT PROHIBITIONS AGAINST

SELF-INCRIMINATION, SPEEDY TRIALS, AND DUE PROCESS - WITH WHICH, BY THIS POINT, YOU ARE PROBABLY MORE FAMILIAR THAN I - ALL EXHIBIT HIS INTELLECTUALLY RIGOROUS YET REALITY BASED AND COMMON SENSE APPROACH TO THE ROLE OF JUDGING. IT IS THIS APPROACH THAT WE, AS LAW ENFORCEMENT EXECUTIVES, FIND VERY COMPATIBLE WITH OUR SOCIETAL ROLE AS THE DEFENDERS AND PRESERVERS OF PUBLIC SAFETY.

WHEN PRESIDENT BUSH NOMINATED JUDGE SOUTER, HE DESCRIBED THE NOMINEE AS ONE WHO WOULD 'INTERPRET' THE LAW RATHER THAN 'LEGISLATE FROM THE BENCH.' WE BELIEVE THIS TO BE THE CORRECT APPROACH, AND WE BELIEVE THAT JUDGE SOUTER DOES INDEED WARRANT THIS DESCRIPTION. WE FIND HIM TO BE A CAREFUL JURIST, WHO TAKES A NARROW VIEW OF HIS ROLE OF JUDGE. WE THINK IT IMPORTANT TO RESPECT PRECEDENT, TO DECIDE CASES BASED ON THE FACTS WITHOUT REACHING UNNECESSARY ISSUES, AND WITHOUT ANNOUNCING RULES BROADER THAN NECESSARY TO THE TASK AT HAND. JUDGE SOUTER'S OPINIONS EMBODY THESE SAME VALUES, BUT AT THE SAME TIME REFLECT FLEXIBILITY AND AN UNDERSTANDING OF THE MANY DIVERSE CONSTITUENCIES AND SITUATIONS THAT FACE JUDGES IN OUR SOCIETY.

FOR THESE REASONS, THE IACP GIVES JUDGE SOUTER OUR UNQUALIFIED ENDORSEMENT AND SUPPORT. WE URGE THE MEMBERS OF THE SENATE TO SPEEDILY CONFIRM HIS NOMINATION. THANK YOU AGAIN FOR AFFORDING US THIS OPPORTUNITY.