

Senator HUMPHREY. Well, I thank Governor Gregg for his patience and for waiting all day. I do think that we ought to consider changing precedent, that Governors are more important and out-rank even the ABA, as high and mighty as the ABA thinks it is. In all seriousness, I do think we ought not to keep Governors waiting. ABA can wait, but Governors ought to go first, it seems to me. I hope we can consider that in the future.

The CHAIRMAN. I thank the Senator.

As you know, Governor Gregg, it is not even the practice to have a Governor testify alone. Usually, you would be put on a panel with other important people like Senators who wish to testify, like tomorrow. So, we have made an exception in having you testify alone, Governor, which was your request, to not be part of a panel, and I hope you are in no way offended. I think Governors are important and I thank you for being here.

With that, Governor, we would welcome any comment you have to make.

#### STATEMENT OF HON. JUDD GREGG, GOVERNOR, STATE OF NEW HAMPSHIRE

Governor GREGG. Thank you, Mr. Chairman.

Let me begin by stating that, as the ABA, I did not want to be the center of controversy over being a Governor testifying.

I would like to congratulate the chairman. I have been extraordinarily impressed with the way these hearings have been managed. I have watched them, as everyone in New Hampshire is watching them, with intense interest, and have been very impressed with your fairness as the Chair, and with the manner in which you have allowed the questioning by your members. I served in the House for 8 years and we did not have the sort of generosity of time that you have here, and I think this hearing has been run in a way that everyone who has participated in it can take great pride in having participated in it, and you, Mr. Chairman, deserve a lot of respect for having put the hearing together in this manner.

The CHAIRMAN. Thank you, Governor.

Governor GREGG. And as Governor, quite honestly, it has been nice to be here all day. As you may know, we come from a small State, as yourself, and most of the folks from New Hampshire are now in Washington, so it is a great place to campaign. Most of my constituents are already down here. [Laughter.]

I do have a written statement and, because of the lateness of the hour and because of the fact that the Chair has been so courteous in allowing me to go forward at this time, I would just like to summarize it.

The CHAIRMAN. Take your time, seriously. I have all the time you would like to take.

Governor GREGG. Thank you very much.

I would like to begin, obviously, by thanking Senator Humphrey for his welcoming remarks, but also thanking both Senator Humphrey and Senator Rudman for their efforts to put me on the panel here today and to allow me to testify.

I come here today as Governor of New Hampshire, obviously, and I believe I speak for the people of the State of New Hampshire

when I say that we, as a State, are extraordinarily proud of the achievements of Justice Souter, and believe that he will be an exceptionally talented, thoughtful, concerned and effective addition to the membership of the Supreme Court of the United States.

That, obviously, has to be clear to you folks, after having listened to him now for approximately 30 hours.

I am a member of the New Hampshire bar, having joined the bar a few years after Justice Souter, therefore, our lives, both professionally and privately, have sort of paralleled each other, and, thus, I have gotten to know him quite well, because we have a small bar and in our State everyone knows everyone else.

It would be hard, therefore, for me to think of anyone, after having reviewed Justice Souter's experience from the standpoint of personal knowledge, to think of anyone with a higher level of personal integrity, wit, caring, quite honestly, and just plain Yankee common sense.

He is an extraordinary individual and I would not have higher recommendation for anyone that would come before this committee.

I do not want to spend any time on the issues which you have been discussing in the area of expertise and jurisprudence, because those are your areas of responsibility. I would like to address, however, two areas that I think, as Governor, I can speak to which have been uniquely raised.

The first is the editorial comment to the effect that Judge Souter is not a national figure, whose face is not readily known and writings not readily seen in our urban media centers. And for this reason, because he is not a national figure, I have seen editorial comment, and I am sure you have seen it, which implies that maybe he should not be moved up to the Supreme Court of the United States.

Having served 8 years in Washington, I put this down to "there ain't no smart people outside of Washington" syndrome, to which all of us have been exposed.

However, the history of the Supreme Court is that it has had members, who have been enumerable, quite honestly, who have turned into quite extraordinary jurists who had no prior national experience. Everyone on this committee, of course, represents some place other than the city of Washington, and there is no doubt that you can think back to your States, and do often, and I am sure return to your States, as I know you all do in a fairly regular manner, think back to your home towns and think of individuals who are extraordinary people within your States and communities, but who have no national recognition.

But if those individuals were brought to Washington—and I remember when I was in Congress, I used to think of such individuals quite often, depending on the area of responsibility that I was addressing as a Member of Congress—if those individuals were brought to Washington, whatever area of expertise they happened to have as their own—and I am not just talking about the jurists, I am talking about people in other areas of expertise—you know and I know that those individuals would excel and would dominate, quite honestly, here in Washington, as members of our National

Government, and would be tremendous contributors to our National Government.

So, I think the concept that you have to be from Washington or have to hold some sort of national recognition, in order to be moved to the position of the Supreme Court, belies the fact which we are all very much familiar with, as politicians from home States—I having returned home—that there is an awful lot of talent out there amongst our citizenry, and that this Nation has traditionally turned to that talent for 200 years and that talent has produced and produced consistently and extraordinarily, especially on the Supreme Court.

There is no question that David Souter does not step forward, therefore, as an acclaimed national figure, prior to his identification as a nominee for this job. But in the minds of the people with whom he serves in New Hampshire, there is also no question, that you will find no one who is more talented, capable, able or fairer and more better positioned to assume the Supreme Court membership.

The second issue I would like to address is one which I address to you, as politicians and as a politician. You must be as concerned as I am with single-issue politics. All of us have been through a variety of campaigns, or else we would not have assumed the position we now have.

We understand the debilitating effect that single-issue politics is having on our political system. Whether or not I can govern the State of New Hampshire well and whether or not you folks can be effective as Members of the Senate, in the most extraordinary and significant legislative body ever put on the face of the Earth, does not come down to your views on one single issue.

How many times, however, have we seen certain groups within our political spectrum demanding that, as their litmus test of good government, only one view will be acknowledged? This approach ignores the basic art of governance, which is the resolving of a variety of issues confronted in a constant flow of ever-changing events.

The next Justice appointed to the Supreme Court is not going to serve you a year or two. He will serve for a generation. He will be Molly's Justice. Within that generation, the variety of issues which will be faced by this Court cannot even be guessed at, much less specifically listed. Issues of significance will arise that go far beyond any single issue which may be the current topic of the day.

It is, therefore, ironic that those of us who should most understand the debilitating nature of single-issue politics should allow this forum to be dominated by the editorial writers of this country, by single-issue evaluation.

I do not know nor do I really seek to know the position of Justice Souter on the issue of *Roe v. Wade*, and I guess, as a Governor, I have been on the point of this issue as much as any other Governor in the country, being put in the position of vetoing, quite honestly without any regret, but with a strong and firm belief, a bill which would have given New Hampshire the most broad, liberal abortion rights in the country. I am unabashedly a pro-life proponent.

What I do know is that Justice Souter is one of the most thoughtful and intelligent, capable, considerable, witty and reasonable per-

sons that I have had the chance to serve with, as a fellow attorney and State officeholder and Member of Congress.

This is what I believe should be evaluated: The character of the individual and his basic sense of the structure of our Government and the direction and terms of our Constitution.

Let us not make the same mistakes of a single-minded emphasis that we so often see in our daily political lives. Let us not go down the path of single-issue politics when we are addressing a nomination for a generation. We, of all people, should be most sensitive to the detriment of such a course.

Again, I wish to thank you very much for the opportunity to be here today to speak on behalf of my friend, Justice Souter. Clearly, the citizens of New Hampshire take great pride in his nomination. We hope that you, the members of the Senate Judiciary Committee, agree with us that, in Justice Souter, you have the opportunity to confirm to the Supreme Court someone who will continue the dreams and reality that make up our freedoms, as guaranteed by the Constitution of the United States.

Thank you very much. I appreciate your courtesy.

The CHAIRMAN. Thank you, Governor.

Questions, Senator?

Senator HUMPHREY. Thank you, Governor Gregg. As you noted, New Hampshire is not one of the largest States. Have you ever heard a negative word within the legal profession or without about Judge Souter?

Governor GREGG. No, other than the fact that his mailbox leans to the left, if you look at it from the road. [Laughter.]

Senator HUMPHREY. Well, we have been through the grass and the mailbox and the black and white TV and all of that, his peculiarities, if you will. But I do find it remarkable that there has not been a negative note expressed by anyone in our State, neither Republican nor Democrat nor conservative nor liberal, no one that I am aware of has raised one negative note in connection with this nomination. I think that is pretty extraordinary.

Governor GREGG. Well, it is extraordinary, it is especially extraordinary for New Hampshire, which is intensely political as a result of our quadrennial events, and we have here today members of the political spectrum on both sides strongly endorsing Judge Souter's nomination, people who are very much the leadership of both parties, and reflects I think the fact that Judge Souter is considered to be, above everything else, a fair individual.

Senator HUMPHREY. Thank you for coming, Governor. I am sorry you have had to wait. You have been here since what time this morning?

Governor GREGG. Oh, we arrived reasonably early. We wanted to see the entire day's activities.

Senator HUMPHREY. I know that you and your daughter and staff have been here since this morning, so it has been a long day and it is going to be an even longer day before you get home tonight, but we appreciate your coming and your participation and your patience.

Governor GREGG. Thank you, Senator.

The CHAIRMAN. Governor, from Judge Souter's perspective inside the house, the mailbox leans to the right.