

The CHAIRMAN. Mr. McAuliffe.

STATEMENT OF STEVEN J. McAULIFFE

Mr. McAULIFFE. Thank you, Mr. Chairman.

Mr. Chairman, Senator Thurmond, and members of the Judiciary Committee, my name is Steven McAuliffe. I practice law in Concord, NH. I also serve as president-elect of the new Hampshire Bar Association and vice chairman of the university system of New Hampshire's board of trustees.

Mr. Broderick has just spoken for our bar association, and I certainly endorse his comments, but, with your indulgence, I would like to take a few moments to speak for myself about Judge Souter, in perhaps a slightly different way, based upon my own observations and experiences.

After completing military service here in Washington, my family and I moved to New Hampshire, where I had been hired by then Attorney General Souter to work in his office. Like every other assistant attorney general who enjoyed the privilege of working for him, my initial interview with David Souter remains a vivid memory, even after 13 years.

In that interview, I first experienced what I suspect this committee and the American public has experienced these past few days, the enormous depth and breadth of David Souter's intellect, his dignity, his strength, his humility.

The New Hampshire Attorney General's Office under David Souter was an extraordinary place. He demanded only three things: practice of law the highest level; as apolitical an office as was humanly possible, both in fact and appearance; and absolute integrity.

Beyond that, David Souter demanded only that we each follow our own path, and that we be ourselves. The office was diverse in personality, background, attitudes, and approach, yet it was warm, dedicated and effective. David Souter's character and personality recruited and molded our diverse group into the best public law firm anywhere.

The graduates of that office still consider it, as do I, one of the most rewarding and fulfilling growth experiences of our lives, because contact with David Souter made it so.

In David Souter's attorney general's office, we sought the right answer, not the expedient answer and never the political answer. When it was our unhappy duty to represent unpopular positions or positions with which we personally disagreed, David Souter taught us about professionalism, and the higher, more noble duties required of advocates in the American adversarial system of justice. He also taught us that an informed conscience is the individual's ultimate guide.

To know and to have worked for David Souter is to know both honor and frustration. Frustration, because the standards of character and integrity he sets finds the rest of us so often wanting in its pursuit.

Let me tell you what I think David Souter is not. He is not isolated. His friends are many and diverse, from baseball fans to philosophers to bishops to politicians to ordinary small town new

Hampshire neighbors. He is not sanctimonious, he helps people. He helps them with their problems according to their abilities. He is not pretentious. He is easily teased and teases easily.

He is not an elitist, either intellectually or socially. David Souter, as you have seen, is a humble and insatiable student of life, learning from and curious about everyone. He is not humorless. He laughs easily and easiest at himself. Neither is David Souter perfect, except in recognizing the imperfections that we all share.

David Souter is the kind of person who, although a lofty judge, unhesitatingly takes strangers to out-of-the-way gas stations for emergency fuel. He is the kind of person who maintains close personal relationships with the children of his closest friends, who treats Ben and Brooks Glahn and Tim and Ervin Rath as any father treats his own children. He reaches out to thank every kindness and to extend many more to others, quietly and with dignity, who listens to others' distress and provides calm and guidance.

The other day, as I was sitting in the public gallery, an issue was raised in this hearing concerning David Souter's capacity for understanding and human feeling. I have some experience with personal pain, as do most of you. I know many of you share my pain, as I share yours, and I want you to know that David Souter feels and shares and understands the pain of others with great compassion and great dignity. I can tell you that under oath. Tom Rath, Warren Rudman, and scores of others who know David Souter can tell you that, as well. It would be unjust for this record to contain any doubt about that, or for the American people to wrongly think that this man might not appreciate the human condition. He does.

Concerned groups on opposing sides seem to predict with ease, yet contrarily, this nominee's unknown and unknowable future vote on current social-legal issues. No one knows how David Souter will vote—no one. David Souter does not know. David Souter does not know, and those of us who know David Souter know he does not know.

David Souter, the judge, simply does not prejudice cases. He never has. David Souter, the judge, is scrupulous about process and thought and consequences and human impact and precedent and integrity. Those who believe that David Souter is somehow committed or is an idealogue or is known by the White House better than by the Senate, are mistaken.

I, too, care about my children and the life of ordered liberty they necessarily entrust to the U.S. Supreme Court. I, too, care about the social issues of our time. But I also care about the continued power and vitality of our Constitution 30 years from now. I know that David Souter is all that he appears to be, a great judge in the mainstream of legal thought, in whom the Nation can safely and securely place its trust to preserve, protect and defend the Constitution of the United States.

Mr. Chairman, the special privilege of testifying before people I greatly admire, obviously including yourself, on behalf of a person I greatly admire, Judge David Souter, is not a privilege that I will soon forget.

Thank you very much.

The CHAIRMAN. Thank you, Mr. McAuliffe.

Ms. Cooper.