

is very possible for him to change his mind on whom he might nominate for the Supreme Court.

Senator SPECTER. Thank you very much.

The CHAIRMAN. I thank you all very, very much for your testimony and for the insight you provided to your position and to your view as to why the nominee is, from your perspective, one of a position that is opposed to *Roe*, not merely unknown, but opposed, and I thank you for it very much. That will be it for this panel. Thank you.

Now, let me suggest to my colleagues, I indicated that we would stop by 7 o'clock, but we have a problem and that is there are two panels that I would like to combine, because there are two witnesses who cannot be here tomorrow, even though they were told they may not come up until tomorrow. I will not state who those witnesses are, after having characterized it that way, but we will get instructions.

So, what we will do is we will bring up panel six and seven together. Now, on panel six, the names I am about to read are a panel of witnesses who are all four coming to testify on behalf of, in support of, Judge Souter; and panel seven, which will be combined with this panel, is made up of two witnesses, both of whom have not taken a position, but wish to express serious concerns.

Now, let me read the panels: R. Eden Martin, a partner in the Chicago law firm of Sidley & Austin; William L. Dunfey, director of Dunfey Group, in New Hampshire, a very prominent New Hampshire citizen; Robert I. Ruiz, president of the National Hispanic Bar, and that is the first panel; and then on the panel that wishes to express their concern, sharing a different view, Sophia H. Hall, president of the National Association of Women Judges; and Doris Coleman, president of the California Women Lawyers.

Now, I want to make it clear once again, in the interest of time and accommodation, we are putting these two panels together. The first three people who were called are testifying on behalf of, and the last two witnesses are taking no position, but are going to raise their concerns.

So, why don't we begin, and I am going to hold you to the 5-minute rule, even if it means I have to send Senator Thurmond down after you. He is assisting me.

It would be accommodating if we were to allow Mr. Ruiz to make his statement first, because of time constraints. Is that correct, Mr. Ruiz?

Mr. RUIZ. That would be fine, Senator. Thank you.

The CHAIRMAN. Welcome, and why don't you begin first.

PANEL CONSISTING OF ROBERT I. RUIZ, PRESIDENT, HISPANIC NATIONAL BAR ASSOCIATION; WILLIAM L. DUNFEY, DIRECTOR, THE DUNFEY GROUP; R. EDEN MARTIN, SIDLEY & AUSTIN, CHICAGO, IL; HON. SOPHIA H. HALL, PRESIDENT, NATIONAL ASSOCIATION OF WOMEN JUDGES; AND DORIS COLEMAN, PRESIDENT, CALIFORNIA WOMEN LAWYERS

STATEMENT OF ROBERT I. RUIZ

Mr. RUIZ. Thank you, Mr. Chairman and members of the committee. I am very happy to be here today.

As I was introduced, I am Robert Ruiz and I am the president of the Hispanic National Bar Association. I would like to thank you and the other members of the committee for this opportunity to testify on behalf of the Hispanic National Bar Association on the nomination of Judge David Souter to be an Associate Justice of the U.S. Supreme Court.

I also wish to thank the other members of our Washington membership and other members throughout the country who have been very helpful in submitting suggestions for the testimony here today.

In the nearly 20 years of our organization's existence, this is the second time that we have been invited to submit testimony on behalf of a U.S. Supreme Court nominee. In 1987, we testified in support of the nomination of now Associate Justice Kennedy.

My purpose here today is twofold: One, I want to—

The CHAIRMAN. Excuse me, Mr. Ruiz. Again, for the record, because these things sometimes take on a life of their own, you may have been invited by the White House. You are always welcome before this committee, I want to make it clear, so no one thinks that an organization as significant as yours has somehow only had two opportunities to come here. You are able to come any time you wish to come on any judge. You are welcome. The White House may have invited you twice. You are always welcome here.

Mr. RUIZ. I thank you very much for that correction. Thank you.

My purpose here is twofold: First, I wish to report to you that the Hispanic National Bar Association Board of Directors, by a very close vote, did vote to support the nomination of Judge David Souter for the Supreme Court. The board concluded in the statement that it issued that they believed that, if confirmed, Judge Souter would apply the law fairly and would demonstrate the understanding of the impact of civil rights rulings on the Hispanics, women and other minorities of this country.

However, the Hispanic National Bar Association endorsement is not without reservations. It was the concern of many of our members, reflected by some of the members of the board, that Judge Souter lacks familiarity with the largest growing minority group in the United States. He has not been exposed to issues of discrimination as they impact on Hispanics in the areas of education, employment, voting rights, and the delivery of other social services.

Our board members also raise concerns regarding the Judge's positions when he was an assistant attorney general, regarding the Voting Rights Act of 1965.

While the *United States v. New Hampshire* case, that has been discussed here often, may have been decided on what some consider procedural matters, the role of an advocate is different than that of a Supreme Court Justice, and our board was concerned that his role as an advocate showed a lack of sensitivity for the impact that his positions have on the concerns of minorities.

Finally, concerns have been raised regarding Judge Souter's lack of experience and sensitivity on issues that are of concern to women, in general, and Hispanic women, in particular.

While we would concede that there is no direct nexus between Judge Souter's exposure to these issues and perhaps his compe-

tence to serve as a justice, they do raise concerns which were reflected in the discussions of our members.

We have chosen, however, to give Judge Souter the benefit of the doubt and have chosen to be optimistic about the future of justice as administered by the Supreme Court and by a Supreme Court that would include Judge Souter.

We are aware that many attorneys would find that Judge Souter does not have the broad-based and favorable record on civil rights. Our association is a bar association and our membership has much broader concerns. When we voted to endorse Judge Souter, we looked at his legal scholarship and the totality of his career and experience.

We would recommend that Judge Souter, however, read the case of *Hernandez v. Texas* and the cases that followed which laid the groundwork for the Supreme Court's determination of concerns involving Hispanics.

Our association will stand ready to assist Judge Souter at any time and we would formally invite Judge Souter to our next Hispanic National Bar convention, which will be held in San Antonio this fall. We have extended similar invitations to other nominees and will do so in the future.

I thank you very much for your attention.

[The statement of Mr. Ruiz follows:]