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Sept. 10, 1990

Dear Committee Members:

Judge David H. Souter is remarkably well-suited for confirmation to the United States Supreme Court. During his years as a New Hampshire Supreme Court judge he always demonstrated a profound reverence for our venerable State and Federal constitutions. His judicial decisions were never driven by any personal social or political philosophy.

As a former member of the New Hampshire House of Representatives when Judge Souter was a sitting New Hampshire Supreme Court judge and a continuous member of the New Hampshire Bar since 1978, I can attest to the immense respect he has for each branch of government. He did not, and will not, allow one branch to encroach upon the responsibilities and powers of the others.

In my capacity as a law professor (University of Lowell, Lowell, Ma.), I have had an opportunity to review and analyze a number of his New Hampshire Supreme Court decisions, and Advisory Opinions directed to specific legislatively crafted constitutional inquiries. His writings reveal a scholarly, competent and objective judge who communicates with clarity, logical consistency and an emerging literary flair. Judge Souter has never forced a judicial opinion based on some pre-ordained or intended result. His decision making process seeks to correctly balance competing constitutional principles and interests. For example, his dissenting view in State v. Koppel (127 N.H.286) shows a judge strongly aware of an extremely serious public problem (drunk driving) and even willing to break ranks with the majority by allowing non-overly intrusive roadblocks to protect the public interest in safe highways. He would have decided Koppel based on a Fourth Amendment U.S. Supreme Court case (Delaware v. Prouse, 440 U.S. 648). One might reasonably conclude from Koppel that his deep respect for stare decisis ensures a commitment to impartiality.

Like so many lawyers from the Granite State, I have known Judge Souter on a professional and personal level since my first days practicing before him when he was a New Hampshire Superior Court judge and from joining him at Bar Association meetings and other events. I have found him to be sincere, friendly and courteous. He is recognized as a judge who has always been very fair to members of the Bar.

In my opinion, Judge Souter's professional accomplishments, judicial temperament and intellect make him exceptionally well qualified to serve as a distinguished member of the U.S. Supreme Court. I respectfully ask that you confirm his nomination.

Michael E. Jones