Senator THURMOND. Thank you very much.
Captain Hughes?

STATEMENT OF JOHNNY L. HUGHES

Mr. HUGHES. Good afternoon, Senator Thurmond. It is good to see you and Duke Short here again. Good to be here again.

One housecleaning chore, sir. Jim Doyle, who is accompanying me as part of my testimony, he was inadvertently left off the panel. I have him right here with me. Would it be okay to have him come up and sit in John Bellizzi's seat?

Senator THURMOND. OK.

Mr. HUGHES. Fine. Thank you.

Mr. Chairman, honorable members of this distinguished committee, I would like to thank the committee for giving me the opportunity to speak on this matter of great public interest.

The National Troopers Coalition, an organization representing State troopers in 44 States, strongly endorses the nomination of Judge David Souter to Justice of the U.S. Supreme Court. Judge Souter's background as New Hampshire attorney general—that State's chief law enforcement officer—as a trial judge, and as a member of his State's highest court, well qualifies him to be appointed to our Nation's highest Court. The National Troopers Coalition has reviewed Judge Souter's criminal law opinions and knows him to be a tough law enforcement justice who, at the same time, will protect the constitutional rights of the accused.

Law enforcement officers, like the vast majority of citizens throughout this country, are particularly interested in a nominees' qualifications in the area of criminal law. Our organization believes that in this area, which occupies a large percentage of cases that reach the Supreme Court, Judge Souter has demonstrated throughout his career a clear understanding of the challenges facing police officers in combating crime. Judge Souter has, we believe, struck the appropriate balance between protecting the rights of society to enforce its laws on the one hand and upholding the constitutional rights of an accused on the other. We could not support a nominee who would sacrifice either of these interests for the sake of the other.

More than others, police officers know of the evil and tragic side of life: crack houses, senseless and brutal killings, the carnage caused by the drunk driver. These deeply concern millions of Americans and need to be dealt with effectively by our criminal justice system. We view the nomination of Judge Souter as evidence of the President's strong commitment to effective law enforcement.

Far too often our legal system breaks down after an arrest is made. Prosecutors are handcuffed by legal rulings that turn a trial away from a search for the truth into an exercise in legal gymnastics and technicalities. *Miranda* rulings and the exclusionary rule may turn a criminal proceeding into a trial more of the police officer than of the defendant. Officers who act in good faith in conducting a search or interrogating a suspect may find highly relevant evidence inadmissible because a court, sitting with 20/20 hindsight, finds a technical violation of a legal right.

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Throughout his judicial career, Judge Souter has applied sound legal principles and common sense reasoning to protect the rights of society through effective law enforcement. He has refused to expand the *Miranda* doctrine beyond its present bounds and has admitted confessions that were voluntarily given by a defendant.

He has been supportive of drug enforcement measures by upholding the use of pen registers on the telephones of drug suspects. In other cases, he has rejected the hypertechnical interpretation of the scope of search warrants, and has protected the identity of confidential informants from disclosure at trial where the presence of the informant was not necessary for a fair trial.

In the area of drunk driving enforcement, he has supported the use of sobriety checkpoints to detect drunk drivers and has upheld the introduction at trial of evidence of a driver's refusal to take a breathalyzer test when arrested for drunk driving.

We strongly endorse Judge Souter and urge an early confirmation by the Senate.

It is good to see both of you again, and at this time I would like to introduce James J. Doyle III, who is accompanying me here today. He is a former Maryland assistant attorney general and former counsel to the Maryland State Police.

Senator THURMOND. James C. Doyle, is that it?

Mr. DOYLE. James J. Doyle.

Senator THURMOND. James J. Doyle.

Mr. DOYLE. Yes, sir.

Senator THURMOND. For the record, I want to be sure we got that down. Mr. Doyle, do you have any statement to make?

Mr. DOYLE. Just very briefly, Senator. I certainly would join in everything that the other members of the law enforcement community have said here today about Judge Souter in terms of the judge being a tough law enforcement judge. I would, though, like to add one other thing and emphasize one other point, having read the majority of Judge Souter's criminal law opinions.

I think the thing that I would like to emphasize more than anything else is the fact that this judge, it is obvious, enjoys the intellectual challenge of the law. His opinions in the criminal law area have been scholarly, I think, very well reasoned. I have presented written testimony to the committee which points out a number of opinions which I think were very well done by Judge Souter.

So simply the point that I would like to make is not only has he been an effective law enforcement judge in terms of supporting legitimate police practices and the actions of prosecutors, but in addition the opinions that he has written in the criminal law area have been very well researched, very scholarly, and very well reasoned, in my opinion.

Senator THURMOND. Thank you very much.

[The prepared statement of Mr. Hughes follows:]