

Remarks of U.S. Senior Circuit
Judge Frank M. Coffin

Introduction of the Honorable Warren Rudman,
The Seventh Coffin Lecturer on Law and Public Service

Portland Museum of Art, Oct. 1, 1998

Dean Khoury and I have crafted our introduction of our honored guest in conformity with accepted law review practice. She has written the basic text and my job is to sprinkle it with respectable footnotes.

As is true of any research assistant, I think my footnotes are important if we are to view the real Warren Rudman. My first footnote is born of parochial pride in our speaker's Maine roots. The Rudman family, along with so many others in the late nineteenth century, emigrated from eastern Europe, stopping first in New York's Lower East Side. Unlike many, they were drawn to the greener space of Maine. Dean Khoury has mentioned the members of the Rudman clan here tonight. I would add a jurisprudential footnote. Not only are we graced by Supreme Judicial Court Justice Paul, but those of us old enough treasure the memory of his father, beloved Justice Abe Rudman. As if two Supreme Court Justices were not enough for one family, still another Rudman cousin, almost a per se violation of the antitrust laws, is Debra Poritz, Chief Justice of New Jersey.

Though also rooted in Maine, our speaker's father, Edward, after harvesting timber in Quebec, and building houses in Portland, purchased Old Colony Furniture, an antique furniture reproduction business in Boston, and later moved it to Nashua, New Hampshire., where Warren Rudman began his civilian career.

But first came a Korean War interlude of front line service as an infantry platoon leader and company commander. Based on Hill 468, he would lead night patrols to scout out any threatening Chinese attack. When this war finally ended, young Rudman, still surviving on Hill 468, although wounded, was elated, but sobered with a lasting perspective. Years later, during a Senate debate featuring inflamed rhetoric, Senator Rudman caught the eye of Senator Kerrey, a Medal of Honor veteran, and said, "The way these guys carry on, you'd think this was important. After all, nobody is shooting real bullets." Perhaps it is this background that accounts for Senator Rudman's heritage of civility.

On returning from Korea, Captain Rudman joined the family business and was put in charge of production at Old Colony. But he soon somehow sensed that neither "antique" nor "reproduction" fitted him. He was, after all, thoroughly contemporary and unarguably an original. So off he drove every night to Boston College Law School. Public service returned to his life when he served Governor Walter Peterson, first as his finance chair, then his chief of staff, and finally as Attorney General.

In this post he made his mark by thoroughly professionalizing the office, establishing new divisions for protecting both consumers and the environment. He also chose as his deputy a man who was to become his closest friend, David Souter.

A few days ago I received a letter from Justice Souter in which he reminisces about Attorney General Rudman:

[W]hat we remember most was Warren's instructions to all of us in his Attorney General's Office to do what we were supposed to do without worrying

about the politicians; he'd take care of them. And he did that without ever making a political law enforcement decision. It's not that he wasn't capable of being a very astute politician, as everybody knows he could be (and was); he just kept politics where he thought it belonged and ultimately survived not on cleverness but on integrity. Or maybe I should have said "decency" for in all the years I have known Warren I have never known him to do a mean thing.

So, it was that it was not his rhetoric, wit, skill, aggressiveness, or power that made him the boss we were thrilled to be working for. All those qualities and attributes were in the mix, but they were capped with Warren's outside decency. He did the right thing and the rest of us were proud to be standing with him.

Now I wish I could continue this paean of praise. But we live in a time of unprecedented candor and in that spirit I feel I must reveal to you a behind-the-scenes transaction that was crucial to the elevation of Judge Souter to Justice Souter. Some may recoil at learning of the passing of money to advance a judicial nomination. One should not speak lightly of such a matter, but I have an unimpeachable source, Senator Rudman's own recent book, "Combat -- Twelve Years in the U.S. Senate." Here, then, is the unvarnished truth.

On hearing the news of Justice Brennan's retirement on a Friday, Senator Rudman called both Chief of Staff John Sununu and President Bush. An appointment was made for Judge Souter to meet the President on Monday morning. On Sunday evening, the judge and the senator met at...well, I might as well say it...met at an ice cream parlor in Manchester, shortly before the judge's flight to Washington. In Senator Rudman's words, this is what then happened:

When I dropped him at the airport he was carrying an ancient, battered suitcase that his ancestors might have brought over on the Mayflower. He got out of the car, then turned to me with a pained expression.

"What's the matter?" I asked.

David pulled out his wallet. "Warren, I've only got three dollars," he said.

I gave him one hundred dollars in cash. "I ought to pin a tag on you," I told him. "You know, one that says, 'Please take this boy off the plane in Washington.'"

Weeks later, after being overwhelmingly confirmed by the Senate, Justice Souter sent Senator Rudman a framed photo of him and the other Justices, and, mounted beneath, a check for \$100, with the inscription, "To Warren from David, thanks for staking me to the job interview."

After recovering from the shock of reading this, I reflect that if this be financially manipulative Court packing, let us have more of it. And if this moderate, independent, courageous, and civil public servant who speaks to us tonight is an antique, by all means give us more reproductions.

I present the Honorable Warren B. Rudman.