think basically we are talking about a manifestation of the constitutional rights of privacy in a context that has taken on political dimensions.

Senator KENNEDY. Well, for how many years now in the *Roe* situation has that been settled law?

Mr. WILLIAMS. I am not quite sure what your question, how many years has it been since *Roe* was, in fact, ordered, or how many years since it has been settled law in the minds of the judges of the judiciary generally or in terms of the way in which courts deal with the matters. I think we know the issue is——

Senator KENNEDY. Well, the Supreme Court is the law of the land and——

Mr. WILLIAMS. Right. I think we know that the——

Senator KENNEDY. In regard to *Roe* it has been in effect for some 17 years.

Mr. WILLIAMS. Yes. But I think the question that you are asking, I believe, is the same question you were asking in the *Brown* context, which is how long has it been settled in the minds of the judiciary, and I think there is a lot of questions about that. Some people would say that it is not settled. Some others would say it is quite settled; aspects of it are, other aspects of it are not.

As I said, it is not a simple matter.

Senator KENNEDY. You noticed that the judge was willing to speak about the death penalty and how many issues are going to be coming up before the Supreme Court with regard to the death penalty and various provisions of what is cruel and unusual punishment. They may very well have that Racial Justice Act which this committee has reported out in regards to the use of the death penalty in a discriminatory manner. Yet Judge Souter expressed no reservation whatsoever in expressing his view on that issue. That certainly may very well be a question that will come up in terms of that particular provision.

Mr. WILLIAMS. Senator, unfortunately I did not review Judge Souter's remarks on that issue. I am not familiar with them, and I can't corroborate whether that is the case or not.

Senator KENNEDY. Thank you.

Senator DeConcini?

Senator DECONCINI. Thank you, Mr. Chairman.

Mr. Williams, I missed the first part of your statement, but I gather you are a long-time friend of Judge Souter's. Is that correct?

Mr. WILLIAMS. Yes.

Senator DECONCINI. You went to school with him, and you know him on a personal basis.

Mr. WILLIAMS. Yes, Senator.

Senator DECONCINI. Socially as well as professionally?

Mr. WILLIAMS. Yes.

Senator DECONCINI. Can you express to this committee, do you think he is an ideologue in his political directions or his philosophy as it relates to Government and Government involvement in people's lives?

Mr. WILLIAMS. I would say that if one thing is clear to me about David Souter, it is that he is not an ideologue and that he comes to this with no political agenda. It is rather remarkable. He is not an ideologue. He doesn't have a political agenda. He is intensely curi-

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ous intellectually. He has a certain sense of the degree of the importance of not getting too much ahead of himself in terms of arrogating unto the judiciary some of the things that perhaps courts from time to time become more involved in. But at a time when we have the Congress in good hands, I take comfort in knowing that we would have in Judge Souter one who would listen carefully and try to administer the Congress' laws as they have been written.

Senator DECONCINI. Has your relationship been such that you discuss political issues?

Mr. WILLIAMS. Actually not. I mean, we were all in formation at the outset, and I would say it was a heyday of the jurisprudence of Justice Brandeis and notions of judicial restraint there and the craftsmanship of John Marshall Harlan. That seemed to be the predominant standard that students were called to address, and, frankly, I personally have seen a lot of similarity and detected a lot of sympathy——

Senator DECONCINI. You have never sat around——

Mr. WILLIAMS. On his part on those issues.

Senator DECONCINI. You have never sat around having a beer or a cup of coffee or lunch or dinner with him and talked political philosophy?

Mr. WILLIAMS. Not as such, no.

Senator DECONCINI. Do you know offhand his personal view on the death penalty?

Mr. WILLIAMS. I do not.

Senator DECONCINI. Or on abortion?

Mr. WILLIAMS. I do not.

Senator DECONCINI. Thank you, Mr. Chairman.

Senator KENNEDY. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Williams, I am concerned about the experience that Judge Souter may have had with Afro-Americans on understanding their problems. There was some testimony about some of his other experience. This is obviously not a ground for rejection, but I think it is a ground which warrants some exploration.

Did you have an opportunity to hear or review the testimony of Mr. Joseph Rauh, the head of the Civil Rights Leadership Conference?

Mr. WILLIAMS. No, I did not. I would have enjoyed doing so since I very much respect Mr. Rauh.

Senator SPECTER. Well, Mr. Rauh testified yesterday. I did not get a copy of his prepared testimony, and he is in the room today. I had asked if he had one. He is a great extemporaneous speaker, and he testified without prepared testimony, but had you heard that and been in the position to comment, I would have been interested.

In the absence of that, I am interested to know what you know about Judge Souter's exposure to the Afro-American or black community. He has lived in a State which does not have the kinds of problems that, say, Philadelphia, PA, has, or other major American cities have. There is a good bit to the feel of those kinds of problems, and I would be interested in what you could give us in a factual context which would shed some light on his experience in that context.