

Senator Grassley?

Senator GRASSLEY. Mr. Williams, so you think that Judge Souter might rule the same way as Justice Brennan in the *Metro Broadcasting* case?

Mr. WILLIAMS. I don't know for sure. I would think that if there were a Justice Brennan to start the ball rolling, Justice Souter might be inclined to go along. But who is to tell? I would say, most importantly—and this is the key to my understanding of the situation—if the Congress were to say that that is the kind of law we would like, we could surely count on Justice Souter to support that.

Senator GRASSLEY. Mr. Chairman, I have no further questions.

Senator KENNEDY. Thank you very much. I, too, want to express our appreciation for taking the time and giving us the benefit of your judgment on the nominee. We appreciate it very much.

Mr. WILLIAMS. Thank you.

Mr. BECK. Thank you, Mr. Chairman.

Mr. BARR. Thank you.

Senator KENNEDY. Our next panel is Haywood Burns, immediate past president of the National Lawyers Guild; Christopher Ryder, a member of the advisory board of Supreme Court Watch; Paula Etzelbrick, who is the legal director of Lambda Legal Defense Fund; the next witness, Urvashi Vaid, who is the executive director of the National Gay and Lesbian Task Force; and finally, Sara Rios, staff attorney, Center for Constitutional Rights.

We want to welcome all of you. We appreciate your willingness to come here this morning and give us the benefit of your judgment. We would ask your cooperation in respecting the time constraints that the committee is under and the fact that there are a number of other witnesses as well. But we want very much to hear your testimony. So we will proceed in that order.

Mr. Burns, immediate past president of the National Guild.

**PANEL CONSISTING OF HAYWOOD BURNS, IMMEDIATE PAST PRESIDENT, THE NATIONAL LAWYERS GUILD; CHRISTOPHER F.D. RYDER, MEMBER, ADVISORY BOARD, SUPREME COURT WATCH; PAULA L. ETTTELBRICK, LEGAL DIRECTOR, LAMBDA LEGAL DEFENSE AND EDUCATION FUND; URVASHI VAID, EXECUTIVE DIRECTOR, NATIONAL GAY AND LESBIAN TASK FORCE; AND SARA E. RIOS, STAFF ATTORNEY, CENTER FOR CONSTITUTIONAL RIGHTS**

#### STATEMENT OF HAYWOOD BURNS

Mr. BURNS. Good morning, Mr. Chairman, Senator Thurmond, my name is Haywood Burns. I am the immediate past president of the National Lawyers Guild and dean of the City University of New York School of Law at Queens College. I would like to thank the committee this morning for its opportunity to, on behalf of the National Lawyers Guild, testify before you in opposition to the nomination of David Souter to the U.S. Supreme Court.

Mr. Chairman, when Senator Biden at the beginning of these proceedings on the floor of the Senate indicated that we are at a constitutional crossroads and that the work of this committee is of monumental historical importance, it is certainly an observation with which we agree. He indicated that long after the Mideast