

they have remaining before I conclude with three questions that I have?

Senator SPECTER.

Senator SPECTER. Thank you, Mr. Chairman.

Judge Souter, at the conclusion of my last round just a few moments ago, I had expressed some concern on where you fit in and how you would interpret the Constitution. I have devoted a fair amount of the time allotted to me to that subject. It is now 7:21, and I think that I will forgo any further questioning, to the chairman, we have other witnesses yet to go this evening, people who have traveled and want to finish up.

I would just make a very brief concluding statement. The subject of where you are on judicial philosophy is a very, very important subject because you very correctly have declined to answer questions about future cases which are likely to come before the Court because of the process that you ought to have a specific case, hear the argument, confer, et cetera, before you make your decision. So it is important, and we have gone into this issue at some substantial length to try to make a determination as to how you would approach the problems. After reading your opinions, I had a view that you were going to be very restrictive in your application of constitutional law.

As I have listened to you testify, I see expansive responses in terms of not only the vacuum but the scope of the liberty clause and the Court on certain political matters. We got into the tax case. It has been my conclusion after hearing your testimony that you are a fair distance from original meaning, for reasons which I have said before. But I do not think that it would serve any useful purpose at this time to protract the matter. I will, therefore, conclude within 2 minutes from starting with my congratulations to you, Judge Souter, on a really outstanding, not performance, outstanding responses.

You are obviously a thorough jurist. You come really well prepared. You have been, I think, as forthcoming as you could be, although I would have preferred a few more specific answers to a few more specific cases, a few more specific questions that I think involve matters not likely to come before your Court, but I—or the Court that you may be confirmed to, without prejudging it.

I compliment you for what you have done here. I say finally, my thanks and congratulations to the chairman for his usual outstanding job.

The CHAIRMAN. Thank you very much, Senator.

By the way, the chairman committed a faux pas this morning, among many I have committed. One was that, while congratulating you on your birthday, I failed to point out that it is also Senator Grassley's birthday. So I would say happy birthday to you, Senator. I apologize for—

Senator GRASSLEY. Can I suggest that it is also the birthday of our U.S. Constitution?

The CHAIRMAN. Yes, you can.

Senator GRASSLEY. The signing of it, that is.

The CHAIRMAN. I will celebrate all three this evening.

Happy birthday, Senator.