

TESTIMONY OF
WESLEY S. WILLIAMS, JR.
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NOMINATION OF
UNITED STATES CIRCUIT JUDGE DAVID H. SOUTER
TO BECOME
ASSOCIATE JUSTICE, UNITED STATES SUPREME COURT

Mr. Chairman, members of the Senate Committee on the Judiciary, I am pleased to testify as a character witness on behalf of U.S. Circuit Judge David H. Souter, as you consider his nomination to become an Associate Justice of the United States Supreme Court.

My name is Wesley S. Williams, Jr. I am testifying solely on my own behalf, and not for any group with which I may be associated. For purposes of identification, you should know that I am an attorney in the private practice of law here in Washington, D.C. I commenced my legal career in 1967, as a staff counsel with the then new District of Columbia Council, and as a teaching assistant at Columbia University Law School. Shortly thereafter I became legal counsel to the U.S. Senate Committee on the District of Columbia, in the 91st Congress. Then in 1970, 20 years ago this month, I joined the law firm of Covington & Burling, where I have remained ever since, including these last 15 years as one of the firm's partners.

Again for purposes of identification only, I have been involved through the years in a range of outside legal, business, and charitable activities -- from time to time as an adjunct professor at Georgetown University Law Center, general counsel of the District of Columbia Bar, president of the metropolitan area's largest private social welfare agency, chairman of the board of a non-profit venture capital firm that specializes in promoting minority entrepreneurship in the broadcast field, a member of the executive committee of a major civil rights organization here in Washington, an officer of various boards and committees of the Episcopal Diocese of Washington and of the Washington National Cathedral, an officer of the Harvard Law School Association, and a member of Harvard University's Board of Overseers (among other positions). By way of further introduction, in addition to advanced degrees from Fletcher School and Columbia University Law School, like David Souter I hold bachelor's (BA 1963) and law (JD 1967) degrees from Harvard University.

I am testifying as an old friend of David Souter. I met the judge, and we enjoyed a passing acquaintance, during his last two, my first two, undergraduate years at Harvard College. Later, when he returned from his two years of study in England,

and I from the Fletcher School's one-year program in international relations, we overlapped two more years, this time at Harvard Law School. It was at the Law School that we became good friends. This was in part an outgrowth of our earlier acquaintance, in part an outgrowth of our mutual involvement in a social club for budding lawyers at Harvard Law School, and chiefly an outgrowth of the fact that neither of us lived at the Law School itself, but rather in Harvard Yard. Like some present and past members of the Senate and of the Supreme Court, Judge Souter and I held faculty appointments as Freshman Proctors, that is to say, as resident counselors to Harvard freshmen, and as members of the University's Board of Faculty Advisers. As a result, I believe I had lunch or dinner with David Souter at least a half dozen times a week for two years, and otherwise saw him with some frequency, both in social settings and as we went about our work as counselors and advisers, throughout our two years together at law school.

It seems fitting that I give this testimony, because I have a sense of the quality of individual now on your docket as a nominee. I would guess that the issue of the measure of the man must weigh heavily on your minds at this time, since Judge Souter comes to you, yes, as an accomplished legal craftsman, but with no discernible (and, I believe, no actual) political or ideological agenda. I think it is also significant that Judge Souter and I crossed paths at a stage when he was mature enough to afford his friends a glimpse of the person he would always be -- which was also a stage marked by optimal candor, when none of us was as yet in the public eye.

I apologize for my prolix wind-up. But I wanted to give you some comfort, or at least some basis to assess, as I venture to characterize the nominee in broad terms, in this exceptionally important context.

Briefly, in my experience, Judge Souter is every bit the fine human being that his advocates have portrayed him to be. He of course has a keen sense of privacy, of the sort we associate with small-town and rural America from shore to shore. Judge Souter likewise has a refined sense of propriety, a sense of appropriateness as to the time and place for particular conduct -- what I and others consider to be an altogether desirable public bearing for a judge. So here he is, as he should be, respectful and demure. But by the same token, in appropriate settings, David Souter displays as much zest as you or I, for the play of ideas, for good humor and good honest fun, for "belly laughs," even, which is to say for life itself. In fact -- and I hope that this will not embarrass him -- the judge's reputation is of being a master of the "bon mot," a master at

the leisure-time sport of matching well phrased, clever insights.

More importantly, I observed and I am told that David Souter handled his responsibilities as a counselor and advisor at Harvard College in an intelligent and caring fashion -- with consistent even-handedness, and with attention always to the intellectual, psychological, and social dimensions of the challenges we proctors faced from day to day. Incidentally, to test my recollection, I took the liberty of surveying a few of our contemporaries, other proctors and advisors from the mid-60s, as well as deans who are familiar with Judge Souter's performance and reputation. The view seems widely held that David Souter was one of the best. In a word, in his close dealings with a broad cross-section of Harvard's diverse freshman class, David Souter comported himself, year after year, in a manner that was intellectually challenging and at the same time distinctly humane. He was, in sum, thoroughly fair, considerate, and withal quite effective, in a very human calling.

Some have asked me whether I ever detected in David Souter signs of mean-spiritedness or prejudice, whether towards racial minorities (like me, for example), or towards women, or otherwise; and the answer is a clear and resounding no. Indeed, David Souter in my view has always conveyed that sense of accountability -- to high-mindedness, to ethical values, and to religious precepts -- which I consider the hallmark of one who can be trusted. Stated another way, the man's charitable urges and compassion appeared intact.

Again, I am pleased to serve as a character witness for the nominee you are considering for the Supreme Court, for David Souter -- a fine craftsman of a judge and, in my experience, without question an equally fine human being.

[I would be happy to answer any questions.....]

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Wesley S. Williams, Jr.

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