

I confess that the panel has made some interesting points, but I do not know how you would forecast this, except to say that the judge has said very clearly he had not made up his mind.

Thank you, Mr. Chairman.

Senator SIMON [presiding]. Senator Thurmond.

Senator THURMOND. Thank you very much.

I am going to ask a couple of questions. I think you can answer them in one word, unless you especially want to explain them. I have to go and vote in just about 3 minutes.

First, we will start with you on this end, Professor Grey. Isn't it true that the theory of natural law does not require that a judge reject the Constitution, statutory intent or relevant, law?

Mr. GREY. That is right, Senator.

Senator THURMOND. Professor Michelman?

Mr. MICHELMAN. The same question, yes, the same answer.

Senator THURMOND. Professor Law?

Ms. LAW. That sounds right.

Senator THURMOND. The second question: Isn't it true that a judge is bound by the Constitution and statutory law, even if he believes in natural law?

Mr. GREY. Right, though he may think natural law is part of that Constitution.

Mr. MICHELMAN. The same answer.

Ms. LAW. And it depends, I mean it will influence his interpretation.

Senator THURMOND. He is bound by those, regardless of what he believes in, isn't it?

Ms. LAW. Of course he is bound.

Senator THURMOND. The Constitution and statutory law?

Ms. LAW. Yes.

Senator THURMOND. You have all answered them favorably. Thank you very much, and good night.

Senator SIMON. We thank you very much for being here and for your testimony.

Senator SIMON. Our next panel has four distinguished witnesses. The first is the Honorable Roy Allen, State senator from Savannah, GA; the second is one of the most distinguished Americans, the Honorable Griffin Bell, former Attorney General of the United States, now practicing law in Atlanta; the third member of the panel is Judge Jack Tanner, senior Federal district court judge for the western district of Washington, in Seattle, Judge Tanner is one of the founders of the National Conference of Black Lawyers; and the final member of this panel is Margaret Bush Wilson, former chair of the board of the National Association for the Advancement of Colored People.

We are very happy to have all of you here. I am particularly pleased to welcome Judge Bell, who is an old friend, a long-time friend, and, as I indicated earlier, one of the most distinguished Americans. We are honored to have you here any time, Judge Bell.

Judge BELL. Thank you very much.

Senator SIMON. Senator Allen, we will be pleased to hear from you first.