

Happily, Lewis Powell, President of the American Bar Association from 1964 to 1965, understood the need and had the vision and the courage to see and to seize the opportunity. Refusing squarely to follow the example of the medical profession, and refuting the alarmist argument that this would be socialization of the law, Mr. Powell exerted persuasively and effectively the great prestige of his office and achieved the support of both the Board of Governors and the House of Delegates of the American Bar Association for this new program.

The result was a tenfold increase in the quantity of legal services available to the poor, widespread participation in the program by lawyers throughout the country, active leadership in individual programs by scores of state and local bar associations, the observance of high professional and ethical standards in the interests of poor clients, and a quality of legal representation that is generally on a par with or better than that available to many paying clients.

All this could not have happened without the blessing of the American Bar Association. While Lewis Powell cannot be credited solely with the result, one must have very serious doubt that it could have been brought off without his aggressive leadership. It is beyond doubt that had he been in opposition the proposal would have failed.

During the four years of my presidency of National Legal Aid and Defender Association we had many occasions to express our corporate gratitude to Lewis Powell for what he had done, and I am pleased to bring that same witness to this honorable body today.

Secondly: At the same time that civil legal services were proliferating under the spur of OEO funds, the National Legal Aid and Defender Association was sponsoring a series of demonstration projects in the field of legal services for poor persons accused of crime. This so-called National Defender Project, financed by the Ford Foundation, attracted Mr. Powell's interest and enthusiasm, which assured full cooperation and participation by the American Bar Association. This Project has brought as significant help to poor people, although not as dramatic, as the OEO Legal Services Program.

Finally, I am sure others have testified, or will do so, regarding Lewis Powell's immeasurable contribution of talent, patience, wisdom and common sense to the American Bar Foundation. Of this important adjunct of the ABA he has been President for the past two years, during which I have had the privilege of serving as a director. In this role, time and again he has displayed these qualities, which will make him a great Justice of the United States Supreme Court.

STATEMENT OF PHIL C. NEAL, DEAN AND PROFESSOR OF LAW, THE UNIVERSITY OF CHICAGO LAW SCHOOL

My name is Phil C. Neal. I am Dean of the Law School of the University of Chicago, and I have been a law teacher for approximately 22 years, first at Stanford Law School and for the past ten years at the University of Chicago. My principal fields of interest during this period have been Constitutional Law, Administrative Law, and Antitrust Law. I am one of a group of law teachers working on a history of the Supreme Court commissioned by Congress under the bequest of Mr. Justice Holmes and being carried out under the general editorship of Professor Paul A. Freund of Harvard University. Perhaps it may be relevant to add that my special interest in the Supreme Court, and probably the views I hold as to the role of the Court and the standards its members should meet, owes a good deal to my experience in the 1943 and 1944 Terms of the Court in which I had the good fortune to serve as law clerk to the late Justice Robert H. Jackson.

I am grateful for the opportunity to appear before the Committee today in support of the nomination of Mr. Lewis F. Powell, Jr., to be an Associate Justice of the Court.

I am sure the Committee is fully informed from other and better sources as to the details of Mr. Powell's professional accomplishments, his public service, and his role as a leader of the organized legal profession. I should like only to add a few words in the nature of a personal appraisal, based on the particular relationship in which I have had the privilege of knowing him.

My association with Mr. Powell has been through the work of the American Bar Foundation. The Bar Foundation is a research organization, devoted to improving the understanding and workings of our legal system through scholarly investigation and publication. When it was established by the American Bar Association, the Foundation was located at the American Bar Center on the

University of Chicago campus, partly in the thought that such an enterprise would gain from being carried on in proximity to a national law school. The relationship between the Foundation and the University of Chicago Law School has been a close one. As dean of the Law School I have been a member of the board of directors, of the executive committee, and of the research committee of the Foundation for the past seven years. Mr. Powell has been a member of the board of directors during that entire period. For the past two years he has been President of the Foundation. I have had the opportunity not only to observe Mr. Powell during many meetings of the board but also to work closely with him on numerous problems of joint concern to the Law School and the Foundation. My impressions have also been formed indirectly through two of my colleagues on the faculty of the Law School who have served as Executive Directors of the Bar Foundation during Mr. Powell's tenure.

I can best summarize my views by saying that there is no practising lawyer of my acquaintance whom I would think better fitted to serve on the Supreme Court than Mr. Powell. I may add that this is a view that I have held since long before Mr. Powell's nomination.

I believe Mr. Powell has that exceptional strength of intellect that ought to be the first requirement in a Justice of the Supreme Court. His knowledge of the law has always struck me as that of a first-class generalist. He has a sharp sense of relevance, and a gift for putting his finger on the crux of a problem. He is an attentive listener; his receiving apparatus is fine-tuned. I expect it would be a joy to argue cases before him, for I believe no lawyer could fail to feel that his argument was being heard and understood. Among his other qualities, Mr. Powell is a master of precise and economical expression, a talent that I am afraid is not to be taken for granted among lawyers, even among Justices of the Supreme Court.

Apart from his technical and intellectual proficiency, Mr. Powell has always impressed me as a man with breadth of vision, understanding of current problems and forces in our society, and balanced judgment. He is scrupulously fair. His unflinching courtesy is a reflection, I believe, not merely of good manners but of an instinctive regard for the dignity and worth of other human beings. In his role at the American Bar Foundation he has demonstrated an appreciation for scholarly values and a capacity to recognize the long-range significance of ideas. He has shown a deep concern for improving the legal system, especially in relationship to such major problems as the administration of criminal justice and the adequacy of representation of the poor.

So far as my observation goes, Mr. Powell is a man without dogma or prejudice or any predetermined approach to issues. His concern is with problems, not doctrine. I recall an occasion, Mr. Chairman, when Mr. Justice Jackson was referred to in a newspaper column which was attempting to classify members of the Supreme Court in one way or another. The columnist spoke of Justice Jackson in a somewhat derogatory way as being "unpredictable." The Justice was considerably amused. He remarked that he had never thought it the highest compliment you could pay a judge to say that he was predictable.

I believe that was Mr. Justice Jackson's way of saying that he regarded himself first and foremost as a lawyer. I suspect the same thing is true of Mr. Lewis Powell. I believe that that outlook is a promising foundation for wise and enduring contributions to the development of our fundamental law. My conviction is that Mr. Powell's qualifications justify the expectation that he would become a distinguished Justice of the Supreme Court of the United States.

STATEMENT OF GEOFFREY C. HAZARD, JR., YALE UNIVERSITY, NEW HAVEN, CONN.

My name is Geoffrey C. Hazard, Jr. I have been Professor of Law at Yale University since 1970, and teach in the fields of procedure, judicial administration and the responsibilities of the legal profession. I am a member of the bars of Oregon and California and practiced in both those states. Prior to coming to Yale University, I have taught in the law schools of the University of California, Berkeley (1958-64), and the University of Chicago (1964-70). In addition, from 1960 to 1970 I was Executive Director of the American Bar Foundation, the research affiliate of the American Bar Association. In that capacity I came to know Lewis F. Lowell, Jr.

Mr. Powell was a member of the board of directors of the American Bar Foundation during the entire period in which I was Executive Director. He was a member of the Foundation's Executive Committee for most of those years. He was the President of the Foundation beginning in 1968 and through the end of my service