segregation which, in our judgment, characterizes the career of the nominee, as an educator in Virginia, finds succinct symbolism in his shrug-of-the-shoulder attitude on the issue of membership in segregated country clubs. How can a man who has never raised his voice to such distasteful segregationist practices claim to be philosophically sensitive or at all attuned to the vital issues of particular import to blacks on which he will have to exercise considered judgment as a member of the Supreme Court?

The importance of this issue becomes readily apparent when one realizes that a member of this illustrious body, Senator Edward Brooke, and if, in my judgment unfortunately, if Mr. Powell is confirmed, a fellow member of the Supreme Court, Justice Thurgood Marshall, would be precluded from joining him as a guest at a number of the clubs in which he holds membership.

I only mention for purposes of inviting discussion the fact that is dealt with in some detail, the fact that the law firm of the nominee which reputedly has in its employ over a hundred attorneys, has yet to face the question of equal employment for black attorneys as well as whites in that office.

We would conclude, if it pleases the chairman and members of this committee, that the life style, his view of government as evidenced by Mr. Powell's own activities on the boards of education, his close association with a variety of corporate giants, his public conduct, his membership in the largest all-white law firm in Richmond, his support of segregated social clubs, and his defense of the status quo, are inconsistent with the kind of jurist that we would hope you would see, as we do, is desperately needed for the court in the 1970's and in the 1980's. These considerations take on more weight when one considers the tremendous problems which our country will be facing during those decades.

I might close by raising a different kind of troubling question because we now have had some indication from the questioning that has gone on, and I have attempted to follow it as closely as I could, that the nominee has attempted to make some distinction, to our surprise, about his position in connection with the Gray Commission and the pupil placement schemes that allowed parents, white parents, to take their children out of the public school systems wherever there was an opportunity or a chance that there might be an integrated school system and send them to private schools at the expense of the State. On that note, I would conclude my remarks and with the kind indulgence of the Chair, ask if my counsel be permitted an observation in connection with this statement on the nomination.

(Mr. Conyer's prepared statement follows.)

TESTIMONY BEFORE THE SENATE JUDICIARY SUBCOMMITTEE CONSIDERING THE NOMINATION OF LEWIS F. POWELL TO THE SUPREME COURT OF JUSTICE PRESENTED BY THE HON. JOHN CONYERS, JR. MEMBER OF CONGRESS ON BEHALF OF HIMSELF AND MEMBERS OF THE CONGRESSIONAL BLACK CAUCUS

Mr. Chairman and distinguished members of the subcommittee, I appreciate the opportunity to testify before you on a matter of such great importance as the nomination of Lewis F. Powell as an Associate Justice of the Supreme Court.

In considering Mr. Powell or any other nominee to the Court, no one would deny the Presidential prerogative of examining a potential candidate's philosophy before placing his name before the Senate for confirmation. Nor is there any requirement of the type of philosophy a nominee should espouse. But it also follows

that there is nothing to preclude the Senate from laying bare that nominee's predilections, but indeed it has a responsibility to do so.

Many of the founding fathers feared that nominal "advice and consent" of the Senate on nominations to judgeships would create a dependency of the judiciary on the executive. It was their intent to make the judiciary independent by insisting on joint action of the legislative and executive branches of each nomination. Consequently, as Charles L. Black, Professor of Law at Yale University, has pointed out, such inquiry is consistent with the Senate's constitutional duty in advising on presidential nominations:

> . . . . a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by doing so.

Competency as a legal technician is not sufficient cause for appointment to the Supreme Court. Since judges by definition must sit in judgment, exercising what Oliver Wendell Holmes called the "sovereign prerogative of choice," they must bring more to their task than a highly specialized technocracy. What a judge brings to bear upon his decision is the weight of his experience and the breadth of his vision, as well as his legal expertise. In the words of Felix Frankfurter, a justice ought to display both "logical unfolding" and "sociological wisdom." Or, as Henry Steele Commager put it: "Great questions of constitutional law are great not because they embody issues of high policy, of public good, of morality." Similarly, great judicial decisions are great not because they are brilliant formulations of law alone, but because they embody highmindedness, compassion for the public good, and insight into the moral implications of those decisions.

I. POWELL'S RECORD ON THE RICHMOND SCHOOL BOARD

For the past several days, the press and Lewis Powell's supporters have been treating us to a view of Mr. Powell which would have us believe that he was the champion of the successful, gradual integration of the Richmond public schools. As *Time Magazine* put it, Mr. Powell, as Chairman of the Richmond School Board, presided over the "successful, disturbance-free integration of the city's schools in 1959."

While it is true Mr. Powell sat on the School Board of the City of Richmond from 1950 to 1961, serving as its chairman during the last eight years of that period, something less than successful integration took place. The opinion of Circuit Judge Boreman, not noted for his liberal views, in *Bradley* v. *School Board of the City of Richmond, Virginia* clearly documents the fact that in Richmond, only a matter of months after Mr. Powell had left the city School Board, "the system of dual attendance areas which has operated over the years to maintain public schools on a racially segregated basis has been permitted to continue." [317 F. 2d 429 (1963) at 436.] What the very words of the United States Court of Appeals, Fourth Circuit, indicate beyond a shadow of a doubt is that Lewis Powell's eight-year reign as Chairman of the Richmond School Board created and maintained a patently segregated school system, characterized by grossly overcrowded Black public schools, white schools not filled to normal capacity, and the school board's effective perpetuation of a discriminatory feeder or assignment system whereby Black children were hopelessly trapped in inadequate, segregated schools.

The entire text of the *Bradley* opinion is submitted for inclusion into the record of these proceedings, so that it may be carefully scrutinized by this committee and members of the Senate in order that a more accurate view may be gained of the conditions that existed under the Powell administration.

Under his guidance, the Richmond School Board maintained a "discriminatory 'feeder' system, whereby pupils assigned initially to Negro schools were routinely promoted to Negro schools." To transfer to white schools, they had to "meet criteria to which white students of (the) same scholastic aptitude (were) not subjected." [317 F. 2d, at 430.] The Court found that, including the years when Lewis Powell was the leading policy-maker on the Richmond School Board, the infant plaintiffs in the *Bradley* case were "able to escape from the 'feeder' system only after the District Court made possible their release by ordering transfers." [317 F. 2d, at 436.]

Listen to the words of Judge Boreman, as he describes the state of the Richmond public school system which Mr. Lewis Powell and his supporters so proudly point to as a prime example of his "sensitivity" to the needs of Black people:

> . . . it is clear, as found by the District Court, that Richmond has dual school attendance areas; that the City is divided into areas for white schools and is again divided into areas for Negro schools; that in many instances the area for the white school and for the Negro school is the same and the areas overlap. Initial pupil enrollments are made pursuant to the dual attendance lines. Once enrolled, the pupils are routinely reassigned to the same school until gruaduation from that school.

The deleterious effect of eight years of Lewis Powell's control over the education of the Black and white children of the city of Richmond is clearly pictured in the statistics cited by the Court:

> As of April 30, 1962, a rather serious problem of overcrowding existed in the Richmond public schools. Of the 28 Negro schools, 22 were overcrowded beyond normal capacity by 1775 pupils, and the combined enrollments of 23 of the 26 white schools were 2445 less than normal capacity of those schools. [317 F. 2d, at 432–3.]

As of 1961 when Mr. Powell left the Richmond School Board only 37 Black children out of a total of more than 23,000 were attending previously all-white schools in Richmond.

A fair examination of the evidence suggests that Lewis Powell, in this instance, certainly was no respecter of the decrees of the very Court for which his nomination is now being considered. For in *Brown* v. *Board of Education* [347 U.S. 483.] and *Cooper* v. *Aaron* [358 U.S. 358], the Court had found that it was primarily the duty of the *School Board* to eliminate segregationist practices in the public schools. But as the *Bradley* opinion notes, the Richmond School Board could not even claim that a reasonable start had been made toward the elimination of racially discriminatory practices. [317 F. 2d, at 435.] "The Superintendent of Schools testified that the City School Board had not attempted to meet the problem of overcrowded schools by requesting that Negro pupils in overcrowded schools in a given area be assigned to schools with white pupils." [317 F. 2d, at 435.] Rather than admitting that it had failed, the Richmond School Board was blaming the "Pupil Placement Board" and others for what was clearly, as the Court decreed in *Bradley*, its own miserable dereliction of duty. Mr. Powell, in a letter to the City Attorney, dated July 20, 1959, wrote that "The entire assignment perrogative is presently vested in the State Pupil Placement Board, and although the law creating this Board may be shaky, it has still not been invalid. In any event, it is our basic defense at the present time." Here, Mr. Powell is clearly letting a weak governmental agency take the blame for what in fact were his own segregationist policies where pupil assignment was concerned.

Numerous other cases which deal with the conditions of the Richmond schools during the era of Mr. Powell's chairmanship document the horrendous conditions which he helped to perpetuate and institutionalize. In *Warden* v. *The School Board of Richmond*, a special meeting of the School Board of Richmond on September 15, 1958 is shown to have recommended that an all-white public school be converted to an all-black school in order to perpetuate segregation [*Lorna Renee Warden et al.* v. *The School Board of the City of Richmond, Virginia, et al.*]. Obviously Mr. Powell's sanction of the maintenance of a dual system of attendance areas based on race offended the constitutional rights of the black school children who were entrapped by Powell's policy decisions. From the foregoing evidence, it does not appear that Mr. Powell was a neutral bystander during these critical years of Richmond's history. In fact, the record reveals that Mr. Powell participated in the extensive scheme to destroy the constitutional rights that he had sworn to protect.

When Lewis Powell resigned from the Richmond School Board in order to take his place on the Virginia State Board of Education, an editorial in the March 3, 1961 edition of the Richmond *Times-Dispatch* praised him for the fact that "the two new *white* high schools (were) planned and built during his chairmanship." (Emphasis added.) There were those in Richmond who had good cause to be justly proud of the masterful way in which Mr. Powell had perpetuated the antiquated notions of white supremacy through a clever institutionalization of school segregation.

II. POWELL'S RECORD ON THE VIRGINIA STATE BOARD OF EDUCATION

The defenders of Lewis Powell's record in the field of education proudly point to his support of the "Gray Proposals" in the 1950's as proof-positive of his

"courage" in the face of those who were advocating the stiffer line of "Massive Resistance" *vis-a-vis* the *Brown* decision. His early support of these proposals, it can be documented, was translated into his later actions as a member of the State School Board, which, I shall show, also served to foster substantive segregation in the public schools—this time on a state-wide scale.

On August 30, 1954, the Governor of Virginia appointed a Commission on Public Education (known as the "Gray Commission") to examine the implications of the Supreme Court's *Brown* v. *Board of Education* decision of May 17, 1954 for the school segregation issue in the State of Virginia.

The Gray Commission made at least three separate reports to the Governor—on January 19, 1955, June 10, 1955, and November 11, 1955. In summary, these "Gray Proposals" called for legislation which would provide "educational opportunities for children whose parents will not send them to integrated schools." [*Race Relations Law Reporter, Vol. 1., No. 1., 1956, p. 242*]:

> To meet the problem thus created by the Supreme Court, the Commission proposes a plan of assignment which will permit local school boards to assign their pupils in such manner as will best serve the welfare of their communities and protect and foster the public schools under their jurisdiction. The Commission further *proposes legislation to provide that no child be required to attend a school wherein both white and colored children are taught and that the parents of those children who object to integrated schools, or who live in communities wherein no public schools are operated, be given tuition grants for educational purposes.* (Emphasis added. Ibid.)

In order to implement the tuition grant strategy, the Gray Commission called for the amendment of Section 141 of the Virginia Constitution—which had formerly prohibited public funds from being appropriated for tuition payments of students who attended private schools—so that "enforced integration (could be) avoided".

I submit the entire text of the "Gray Proposals" into the record of these proceedings, so that all may view its other recommendations, which include the following:

> 1. That no child be required to attend an integrated school.
>
> 2. That localities should be granted State funds upon certifying that such funds would be expended for tuition grants (to send, in practice, white children to segregated, all-white private institutions).
>
> 3. That the State Board of Education be empowered to liberalize certain conditions in the distribution of State funds (so that, in practice, tuition grants, transportation costs, institutional fees, and other expenses involved in supporting the multitudinous new white private schools could be met).

Thus was the idea of using tuition grants as a means of circumventing the intent and spirit of the *Brown* decision first expressed. The Gray Proposals subsequently became the policy of the State of Virginia and its Board of Education. White parents who refused to send their children to integrated public schools but who could not afford to carry the entire financial burden of sending them to segregated private schools were soon subsidized by publically-funded tuition grants, or "pupil scholarships" as they came to be called.

That Lewis Powell was a support of the tuition grant strategy there is little doubt. The actual minutes of the Virginia State Board of Education show that Powell was present at numerous meetings between 1962 and 1968 at which the regulations governing the payment of tuition grants were approved, the actual appropriations of funds for these grants were made, and annual reports summarizing the total outlay of State and local monies for the "pupil scholarships were given." The total annual outlay in Virginia for these tuition grants was enormous. During the 1962 to 1963 school year, for example, a total of $2,252,995.07 paid from State funds and local funds advanced by the State for the localities was paid out in the form of tuition grants of various forms (Minutes of the Virginia State Board of Education, Vol. XXXIV, p. 84, August 22-24, 1963).

The minutes of the State Board's special meeting of July 1, 1964 clearly indicate that Lewis Powell was present when, by a *unanimous* vote, a resolution was passed which facilitated the filing of tuition grant applications by Prince Edward County parents. This July 1, 1964 vote, which clearly documents Lewis Powell's favorable stance towards the tuition grant strategy in Prince Edward County, Virginia, is a particularly crucial one. For in the case of Prince Edward County, all public schools were closed for five full years, from 1959 to 1964. Lewis Powell was on the State Board of Education for a full three of those five years. As the text of the Fourth Court of Appeals indicates, "the county made no provision

whatever for the education of Negro children; white children attended segregated foundation schools financed largely by state and county tuition grants to the parents." [*Griffin* v. *Board of Supervisors of Prince Edward County*, 339 F. 2d 488]. For five years, only white children attending private schools subsidized by publically funded tuition grants received an education in Prince Edward County. Foundation schools, for white students only, thrived and were supported almost entirely by public funds in the form of tuition grants. They were staffed with the same white teachers as formerly taught in public schools. Despite such findings as those of the Court of Appeals in *Griffin* that such practices were constitutionally impermissible, that the payment of tuition grants to parents desiring to send their children to such schools was enjoined so long as those schools remained segregated, and that the entire tuition grant practice constituted discrimination on racial grounds [339 F. 2d, 486], there has been no indication that Mr. Lewis Powell individually or the State Board of Education collectively ever opposed the perpetuation of this practice.

On July 1, 1964 the minutes of the State Board of Education show that Lewis Powell voted for a resolution authorizing retroactive reimbursement to Prince Edward parents who had paid tuition for their children.s attendance at private schools during the 1963–4 school year. There could be no clearer or more candid declaration of Lewis Powell's intentions with regard to the school segregation issue than his support of the unanimous vote on that day. A random sampling of the entire range of the Virginia State School Board minutes from 1962 to 1968 reveals that on at least eight occasions, Lewis Powell was present at meetings at which specific tuition grants were made, not only in Prince Edward County, but all over the State of Virginia. A Survey of the minutes also has produced proof of at least three instances in which Mr. Powell was present while the "Regulations of the State Board Governing Pupil Scholarships" (tuition grants) were adopted.

Also of prime importance in evaluating Mr. Powell's behavior on the Virginia State Board of Education is the lack of information that he did anything but acquiesce in the face of the State Board's routine accreditation of segregated, all-white, private schools. For example, at a meeting of the State Board on March 26, 1964, with Powell recorded as present, a list of 65 private secondary schools was approved and accredited. These private, all-white, segregated schools included some of the same ones—Huguenot Academy, Surry County Academy, and Prince Edward Academy for which the U.S. District Court for the Eastern District of Virginia found that publically-funded tuition grants were the main support. The minutes of these meetings fail to indicate that Mr. Powell voted against the accreditation of such schools, despite the District Court's decree in *Griffin* that the further payment of the grants for use in those schools was suspended so long as they maintained segregation. Notwithstanding the Federal District Court's admonition that "the State cannot ignore any plain misuse to which a grant has or is intended to be put," [239 F. Supp at 563], the State Board of Education continued to process and approve applications for tuition grants without making any investigation to determine whether the schools were embodying racially discriminatory policies. Looking at the record, it is clear that Mr. Powell was in fact the "champion" of segregation rather than champion of integration as has been suggested.

The question can legitimately be asked—what was it that Lewis Powell was trying to preserve as Chairman of the Richmond and Virginia public schools? Was it merely, as Powell maintained in yesterday's testimony, the preservation of the public school system *per se* that he was unflinchingly interested in? I cannot condone the simplistic acceptance of Mr. Powell's literal word in this matter. For what was the public school system of Richmond in 1958 or even in 1961 but a microcosm of white supremacy—all white, under-attended, well-equipped schools *vis-a-vis* over-crowded, dingy, all-black schools. Cannot Mr. Powell's "saintly" crusade for the presentation of the Virginia-style of "equal" public education be viewed as an inherent desire on his part to preserve a system which to so fine a degree sought to further institutionalize the Virginia schools' own peculiar brand of racism? Are not his lofty pleas for the maintenance of public education at any cost often refuted by a record which finds Mr. Powell rejecting the obviously vulnerable positions in favor of more sophisticated schemes which have effectively preserved segregation.

III. POWELL'S DIRECTORSHIP OF CORPORATIONS IMPLICATED IN RACIAL DISCRIMINATION

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race. Powell is a member of the Board of Directors of 11 corporations. (His firm also represents many of these corporations.)

It is vital that the distinction be drawn between Mr. Powell's behavior as an attorney and his behavior as a private citizen. One could argue that an attorney should not be held accountable for his actions due to the inherent nature of legal advocacy. But, as a member of the Board of Directors of corporations which have been adjudged guilty of violating various provisions of Title VII, Powell cannot automatically escape blame. A Director is by definition a policy-maker and shares the legal responsibility of the conduct of his corporation.

Lewis Powell is both the legal counsel and a Director of the Philip Morris, Inc., one of Virginia's largest tobacco companies (he has been a Director since 1964). Philip Morris has been the defendant in at least one major Title VII case, *Quarles* v. *Philip Morris, Inc.* [279 F. Supp 505]. Here, a civil rights action was brought by a group of Blacks in a class action. The U.S. District Court held that the evidence established that two Black employees had been discriminated against as to wages. The discrimination on the basis of race against these employees, the Court held, had been clearly proven. The Court also held that Philip Morris, Inc. had discriminated against Quarles and the Black employees hired in the prefabrication department prior to January 1, 1966 with respect to advancement, transfer, and seniority. It held furthermore that prior organization of departments on a racial basis had prevented Blacks from advancing on their merits to jobs open only to whites. New "non-discriminatory" employment policies had only partially eliminated disadvantages, the court ruled. Plaintiffs were awarded relief to compensate for damages suffered as the result of this blatant example of employment discrimination. According to the records of the Equal Employment Opportunity Commission, the Chesapeake & Potomac Telephone Co., another corporation on which Mr. Powell serves as a Director, is currently being investiagted for possible Title VII violations.

IV. POWELL'S BELONGING TO RACIALLY SEGREGATED CLUBS

Mr. Powell has personally and publically admitted that he is a long-standing member of both the Country Club of Virginia and the Commonwealth Club of Richmond. He has confirmed that he never sought to alter their policies against the admission of Blacks. Powell-supporters have been contending that his claim that he used the country club membership largely to play tennis and has only infrequent lunches at the Commonwealth Club [*New York Times*, October 26, 1971], is in itself a defense for his voluntarily joining and frequenting openly-segregated places of leisure. His volunteering of the information that he belongs to these clubs is similarly held by his supporters as a "defense."

Neither of these facts can hide the fact that a potential Supreme Court Associate Justice saw nothing wrong in such policies as the Commonwealth Club's practice of allowing "colored servants with them to the club only if they are dressed in appropriate attire." The added so-called "defense" offered by his supporters—that he belongs to the University Club and the Century Association of New York (both of which are integrated)—is a direct affront to the intelligence of the American people. The acquiescence in the face of institutionalized segregation which characterizes Lewis Powell's career as an educator in Virginia finds succinct symbolism in his shrug-of-the-shoulder attitude on the issue of membership in segregated country clubs. How can a man who has never raised his voice to such distasteful segregationist practices claim to be philosophically sensitive or at all attuned to the vital issues of particular import to Blacks on which he will have to exercise considered judgment as a member of the Supreme Court?

The importance of this issue becomes readily apparent when one realizes that a member of this illustrious Body, Senator Edward Brooke and, if Powell is confirmed, a fellow member of the Supreme Court, Justice Thurgood Marshall, would be precluded from joining him as guest at either of the aforementioned clubs.

V. EMPLOYMENT DISCRIMINATION WITHIN POWELL'S LAW FIRM

Hunton, Williams, Gay, Powell & Gibson (his law firm) at the present time employs no Black attorneys in a work force of over 100 attorneys. One or two years ago, a Black Richmond attorney, Je Royd Greene, wrote the placement office of Yale, his alma mater, and requested that it stop scheduling on-campus interviews with Hunton, Williams, charging that the firm's senior partners (including Powell) had a clearly enunciated policy which forbade the hiring of any Black attorneys—ever. Greene claims that his charge is based on a statement attesting to this notion made by one of the associates in Hunton, Williams itself. Notwithstanding Powell's denial, the fact remains that his law firm has never and does not yet employ any Black attorneys. This information is consistent with Powell's record of racial discrimination in other areas of his activities.

VI. POWELL AND THE RICHMOND ANNEXATION ISSUE

A common tactic supported by the white power structure in Virginia has been to annex areas to city areas, thereby diluting much of the Black voting strength. Recently, Richmond annexed part of the surrounding white suburbs. The net effect of this annexation was to decrease the Black population of Richmond from 55 percent down to 42 percent.

In *Holt* v. *Richmond* [U.S.D.C., ED. Va.], a suit was brought under Section 5 of the Voting Rights Act to 'de-annex' the suburbs. The suit was brought by a Black Richmond citizen as a class action on behalf of Richmond's Blacks. The Justice Department has disclosed documents which show that Powell urged Attorney General John Mitchell to reverse his ruling that Richmond's annexation of suburban areas violated Black voting rights (see the Chicago *Sun-Times*, October 30, 1971). Last August, Powell wrote a letter in an unofficial capacity—acting as an interested citizen—claiming that 43,000 suburban residents were being annexed to expand the city's tax base, not to dilute the voting power of the city's Blacks. The Justice Department, however, refused to withdraw its objection. It was held in a recent District Court opinion, that the primary purpose and effect of the annexation was to dilute the voting strength of the black citizens of the City of Richmond, a view in direct contradiction to Powell's.

Mr. Lewis Powell's lifestyle, his view of government as evidenced by his activities on the boards of education, his close association with a variety of corporate giants, his public conduct, his membership in the largest all white law firm in Richmond, his support of segregated social clubs, and his defense of the status quo, are inconsistent with the kind of jurist needed for the Court in the 1970's and '80's. These considerations take on more weight when one considers the tremendous problems which our country will be facing during those decades.

A different kind of troubling question is now being raised. One ought to closely examine the character of the nominee. One should inquire whether he has fully revealed the answers sought by the Committee. Without hastening to incorrectly interpret the answers given yesterday, it is hoped every Senator will give careful consideration to the matter of his nomination in its entirety, and to question whether the nominee has been completely candid in answering questions concerning his past.

The CHAIRMAN. All right. Have you got any questions?

Senator BAYH. Just one or two.

The CHAIRMAN. I am going to turn it over to you and when you get through we will recess until 10:30 tomorrow morning.

How long a statement do you have?

Mr. MARSH. About 5 minutes.

Senator BAYH. Shall I wait until Mr. Marsh is through?

Mr. MARSH. Thank you, Senator. I am here not only as assistant to Congressman Conyers but also as the official spokesman for the black attorneys of the State of Virginia, the Old Dominion Bar Association. We have filed our statement with the Senate Judiciary Committee, and this bar association went on record, consisting of all the black lawyers, 60 or 70 in the State of Virginia, as opposing both nominations.

Senator BAYH. Would you like to have this statement put in the record in full at this time?

Mr. MARSH. Yes, I would; in addition to a one-page supplement which I would like to have passed around.

Senator BAYH. Without objection it will be included in the record.

(The statement follows:)

NOVEMBER 8, 1971.

STATEMENT OF THE OLD DOMINION BAR ASSOCIATION OF VIRGINIA BY WILLIAM A. SMITH, PRESIDENT AND HENRY L. MARSH, III, CHAIRMAN OF JUDICIAL APPOINTMENTS COMMITTEE

Gentlemen of the committee: the question posed by the nomination of Lewis F. Powell, Jr., is whether a man who has for much of his life waged war on the Constitution of the United States should be elevated to the Supreme Court.