

AMERICAN BAR ASSOCIATION,  
STANDING COMMITTEE ON FEDERAL JUDICIARY,  
November 2, 1971.

HON. JAMES O. EASTLAND,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR: The Standing Committee on the Federal Judiciary of the American Bar Association submits herewith its report regarding Louis F. Powell.

Our Committee, with respect to nominations for the Supreme Court limits its conclusions to the professional competence, judicial temperament, and integrity of the nominee. The Committee believes that without these characteristics no person is qualified to become a Justice of the Supreme Court. We recognize, however, that in the selection of a person for the Supreme Court by the President, and the consideration of that selection by the Senate, there are involved other factors of a broad political and ideological nature. Because the Committee does not take these factors into account, it wishes to make clear that it expresses no opinion on them, even though as will appear from what follows, its investigation revealed opposition from several sources to this nomination on that score. The Committee respects opinions on these factors on both sides; it does not attempt to evaluate them except to the extent, if any, that they appear to affect the element of judicial temperament.

The present unanimous conclusion of the Committee, limited to the area described above, is that Mr. Powell meets high standards of professional competence, judicial temperament, and integrity. To the Committee, this means that, from the viewpoint of professional qualifications, Mr. Powell is one of the best persons available for appointment to the Supreme Court.

#### EDUCATION

Mr. Powell received his B.S. from Washington and Lee University in 1929 and his LL.B. in 1931. He ranked first in his law school class. He was a campus leader and has the high respect of those who knew him as a student and as an alumnus. He is presently a Trustee of Washington and Lee University.

#### EXPERIENCE

Since 1937 Mr. Powell has been a partner of the firm of Hunton, Williams, Gay, Powell & Gibson. This firm is one of the leading firms in the State of Virginia and Mr. Powell is regarded as one of the leading lawyers of Virginia. His practice has embraced extensive litigation experience as well as other fields of professional activity. He is a director of a dozen important corporations and also serves as a trustee, member of the Executive Committee and general counsel of Colonial Williamsburg, Inc.

#### PUBLIC OFFICES

From 1952 to 1961 he served as Chairman of the Richmond Public Schools Board. From 1962 to 1969 he was a member of the Virginia Board of Education. As Chairman of Richmond Public Schools Board he is credited with a substantial contribution to the peaceful desegregation of the Richmond School system.

#### PROFESSIONAL ACTIVITIES

Mr. Powell has been active in the American Bar Association since 1941. He served as a member of many committees and as chairman of several. After service in the House of Delegates and on the Board of Governors, he was elected president of the American Bar Association for the year 1964-65. He has served as president of the American Bar Foundation since 1969 and as president of the American College of Trial Lawyers for the year 1969-70. Mr. Powell's presidency of the American Bar is remembered as a year of significant achievement. The uniform and undeviating comment of those who worked with him and knew him in this position emphasizes his courtesy, temperance and effectiveness.

#### REPUTATION

##### *Fourth Circuit*

One hundred thirty-two lawyers and judges were interviewed in the seven states of the Fourth Circuit. In addition, seven law school deans were asked for their own views and to the extent possible the views of their faculties. The Comments received can only be described as unrestricted enthusiasm for Mr. Powell. He has

received in most eloquent and emphatic terms the highest possible praise of the members of the profession who have known him and worked with him.

The law school faculties to the extent that their sentiment could be quickly obtained through the seven law school deans we interviewed are delighted with the President's choice. They regard him as moderate, temperate and extremely able—a most promising appointment to the Court.

The comments run the range of conceivable compliments—"absolutely tops in integrity, forthrightness, candor and fairness," "a superb human being," "one of our most capable individual practitioners," "a sensible conservative," "one of the finest lawyers and men I have ever known," "in every respect a great lawyer," "an example of selection based upon professional excellence," "a perfect gentleman and a distinguished scholar."

The cross-section of lawyers interviewed included lawyers from all specialties including those deeply committed to the area of civil rights. Only two adverse comments were received. One lawyer criticized Mr. Powell's firm for not having employed black lawyers and for its participation in the Prince Edward County school desegregation case. Another active civil rights lawyer expressed opposition to Mr. Powell's conservatism. This lawyer's partner, who is equally active in the civil rights matters has expressed his support for Mr. Powell.

#### *Other circuits*

Circuit	Lawyers	Judges	Law schools	Circuit	Lawyers	Judges	Law schools
1.....	4	4	7	7.....	25	16	7
2.....	17	9	5	8.....	75	22	7
3.....	26	19	3	9.....	75	32	30
5.....	41	24	8	10.....	14	8	1
6.....	10	4	8	DC.....	13	4	4

In part because of his American Bar Association relationships, but to a substantial degree he has been active in practice outside his own circuit, Mr. Powell was well known throughout the country. Every one of those in a position to express an opinion expressed approval of his nomination. Many did so in terms of almost unrestrained admiration—"one of the best lawyers in the country," "always a leader, quiet and forceful," "calm and restrained," "it would be difficult to find a more qualified appointee," "extraordinarily able person and a fine lawyer with great intellectual talent and capacity," "one of the ten best qualified men in the country," "a moderate but not a reactionary," "an intellectual with judicial temperament," "an outstanding lawyer, his integrity is beyond reproach, he has perfect temperament for the position."

A significant number of lawyers and judges stated that Mr. Powell was their first choice for appointment. Others stated that although they disagree with his political philosophy, they were completely satisfied that he would have a "sound and lawyer-like approach to all questions."

Some of the law school faculties expressed regret or lack of enthusiasm because of Mr. Powell's conservatism but in most leading law schools the opinion was strongly favorable. For example, one scholar stated that there was no question as to his ability, that he was extraordinarily conscientious, that he was always prepared to reconsider his own viewpoints, that although he was traditionally conservative he was very fair and had a true breadth of outlook. Other comments from the law schools were: "A man of size who has humility, and depth and breadth of experience," "appointment is ideal," "highest calibre as a man and as a lawyer," "brilliant lawyer, level-headed, learned and a moderate."

#### CIVIL LIBERTIES

Members of the Committee have also spoken with representatives of labor and civil rights groups concerning Mr. Powell. This includes the AFL-CIO, the NAACP, the Americans for Democratic Action and Leadership Conference on Civil Rights. We have been informed that these groups are not opposed to Mr. Powell's confirmation.

## CONCLUSION

It is the unanimous view of our Committee that Mr. Powell meets, in an exceptional degree, high standards of professional competence, judicial temperament and integrity and that he is one of the best qualified lawyers available for appointment to the Supreme Court.

Respectfully submitted,

LAWRENCE E. WALSH, *Chairman.*

The CHAIRMAN. I will also place in the record the biography of the nominee.

Mr. Rehnquist, is it correct?

Mr. REHNQUIST. It is correct, I believe, Mr. Chairman.

The CHAIRMAN. It will be placed in the record.

(The biography referred to follows.)

Name: William H. Rehnquist; Born: October 1, 1924, Milwaukee, Wisconsin.

Marital Status: Married, 3 children (Wife: Natalie Cornell).

Education: Stanford University, Stanford, California, 1948 B.A. degree, 1952 LL.B. degree. Harvard University, Cambridge, Mass., 1950 M.A. degree.

Bar: 1952, District of Columbia; 1954, State of Arizona.

Military Service: Mar. 4, 1943—Apr. 10, 1946 U.S. Army Air Force; Sergeant when discharged.

Employment: Jan. 26, 1952—July 18, 1953 Law clerk to Associate Justice Robert H. Jackson, U.S. Supreme Court. July 18, 1953—Oct. 1, 1955 Evans, Kitchel and Jenckes, Phoenix, Ariz. Oct. 1, 1955—Jan. 1, 1957 Private practice with Keith Ragan, Phoenix, Ariz. Jan. 1, 1957—Jan. 1, 1960 Cunningham, Messenger, Carson and Elliott, Phoenix, Ariz. Partner. Jan. 1, 1960—Feb. 1, 1969 Powers and Rehnquist, Phoenix, Ariz. Feb. 1, 1969—Present U.S. Department of Justice, Office of Legal Counsel, Assistant Attorney General.

Office: United States Department of Justice, Washington, D.C.

Home: 7004 Arbor Lane, McLean, Va.

To Be: Associate Justice of the Supreme Court of the United States.

The CHAIRMAN. A resolution from the State Bar of Arizona and other letters will also be placed in the record.

(The material referred to follows.)

STATE BAR OF ARIZONA,  
*Phoenix, Ariz., October 26, 1971.*

HON. JAMES EASTLAND,  
*Chairman, Senate Judiciary Committee,  
Senate Office Building, Washington, D.C.*

SIR: I have enclosed a resolution of the Board of Governors of the State Bar of Arizona strongly endorsing the nomination and appointment of William H. Rehnquist as an Associate Justice of the Supreme Court of the United States. The State Bar of Arizona is greatly honored by Mr. Rehnquist's nomination and would like to be on record as enthusiastically supporting his appointment.

Should your committee request appearances in connection with its consideration of Mr. Rehnquist's nomination, a representative of the State Bar of Arizona would be honored to appear on behalf of Mr. Rehnquist's appointment.

Sincerely,

HOWARD H. KARMAN, *President.*

## RESOLUTION

Whereas, Mr. William H. Rehnquist, a member of the State Bar of Arizona, has been nominated by the President of the United States as an Associate Justice of the Supreme Court of the United States, subject to the advice and consent of the Senate; and

Whereas, Mr. Rehnquist has continually demonstrated the very highest degree of professional competence and integrity and devotion to the ends of justice both in the State of Arizona and the United States of America; therefore, it is