

Gentlemen, we are glad to have you.

You will be permitted to place statements in the record. Thank you.

(The statements referred to follow:)

STATEMENT OF HON. ANDREW P. MILLER, ATTORNEY GENERAL OF VIRGINIA

Mr. Chairman, members of the Judiciary Committee, the opportunity to add my own endorsement of Lewis F. Powell, Jr., to those already presented to you is a source of great pleasure for me.

One does not have to practice law in Virginia for very long before he becomes aware of Mr. Powell and his great contributions to our profession. Indeed, those contributions have been of such magnitude that the name of this worthy man is known in law offices in every state of the union.

Historically, Virginia has given our country some of its greatest leaders: Jefferson, on whose brilliant concept of government our democracy is founded; George Mason, whose vision produced the constitutional articles that guarantee to all Americans the rights we hold so dearly; and Washington, whose name honors this capital and symbolizes this country throughout the world.

Virginia, too, gave the nation its first great Chief Justice, John Marshall. It is fitting that Lewis F. Powell, Jr., practices law within a few blocks of the house in which Chief Justice Marshall lived in Richmond.

Mr. Powell is known today as the outstanding practicing attorney of the Commonwealth of Virginia. He represents an unparalleled combination of integrity, ability, and attainment—qualities that led him to the presidency of the American Bar Association in 1964 and to the presidencies of the American College of Trial Lawyers and the American Bar Foundation in 1969.

But more importantly, Lewis F. Powell, Jr., possesses the judicial temperament for the great task to which the President of the United States has nominated him. He has the quality of mind which will enable him to serve with distinction as a Justice of the Supreme Court of the United States.

It is not given to all men to have that quality of mind, yet I know of no man better endowed with it than Mr. Powell. Many men exhibit a knee-jerk reaction to the issues of the day, and render clichéd treatment in response, but not the nominee before you.

Throughout his career, Mr. Powell has been concerned about the relationship of the law to public issues. This concern has prompted him to offer his services to his state and his country on many occasions. For example, he was appointed by President Lyndon B. Johnson to the National Advisory Committee on Legal Services to the Poor. In 1968, the Federal Office of Economic Opportunity presented him its annual award for contributions to the national legal services program.

Virginia called upon him in 1967 to serve on the commission which revised the Commonwealth's constitution for the first time since 1928. Mr. Powell's imprint is clearly reflected in this new constitution, approved by Virginia voters in 1970. He has long advocated equal educational opportunities for all children and, as Chairman of the Richmond City Public School Board between 1952 and 1961, guided the smooth transition from a segregated school system to a system of integrated schools.

Now, Lewis F. Powell, Jr., has the opportunity for a new role of public service—an opportunity to serve his nation as a Justice of the Supreme Court of the United States. I respectfully urge you to give favorable consideration to his nomination. I am certain that legal historians in the future will regard him as one of the outstanding members of the Court in this century.

STATEMENT OF PRESIDENT ROBERT E. R. HUNTLEY OF WASHINGTON AND LEE UNIVERSITY

I am pleased to have this opportunity to appear before this Committee to speak in behalf of confirmation of the President's appointment of Lewis F. Powell as an Associate Justice of the United States Supreme Court. Primarily my comments might be helpful to the Committee in bringing to your attention information which you might not otherwise have, about Mr. Powell's effective role with relation to his *alma mater*.

As you may know, he is a graduate of both the undergraduate and law schools of Washington and Lee. His record in both stands as an augury of his later career. His academic distinction was of the highest order: He was a member of Phi Beta Kappa, was graduated *magna cum laude* from the School of Commerce and Administration, and was first in his graduating class in the School of Law. His qualities of character and his capacity for leadership were also evident: he served as President of the Student Body and was awarded the Algernon Sydney Sullivan Medallion which is bestowed by the faculty upon the graduates who "excels in high ideals of living, in spiritual qualities, and in generous and disinterested service to others."

You will of course have from other sources the unique record of his distinction as a lawyer, his service to his profession and to American jurisprudence, and his creative influence for good in the public affairs of his city, state and nation.

What I would like to emphasize to you is that during these years of professionally and nationally acclaimed achievements, he has continued to bring to his *alma mater* a full measure of devotion, not merely the typical nostalgic devotion of an alumnus but rather an intelligent well-informed concern. Through the administrations of three presidents of Washington and Lee and through many times of crisis and decision, he has stood by with sound advice when advice was useful and with forceful leadership when leadership was needed.

For example, in May of 1970, when campuses across the land were experiencing convulsions of an unprecedented variety, the student body at Washington and Lee was gripped by a tension which seemed to many to pose an immediate threat to the institution's stability and integrity as a center of learning. At the peak of this excitement and concern, it was Lewis Powell to whom I turned for advice—not mainly because he was then as he is now a member of our Board of Trustees, but because I knew full well from past experience of his capacity to bring to an emotionally charged problem calm objectivity and lucid insight. I do not think I have ever told him this but I should like to do so now. His quick understanding, his intuitive empathy and his seasoned confidence in the student body and the faculty gave me a perspective for which I shall be always grateful and which, I think, allowed Washington and Lee to come through those days with little bitterness and with new strength.

For the past ten years Mr. Powell has been a member of the University's Board of Trustees, a group of 18 men which works actively to provide intelligent and responsive governance for the institution. In large part because of Mr. Powell's influence, our Board is in my opinion a model exemplifying the ways in which such organizations of lay trustees can function usefully.

In routine matters and in matters of critical dimension for Washington and Lee no one could have performed more effectively. His characteristic posture of firm fairness facilitated the University's decision to seek enrollment of qualified black students. In the Board's deliberations about planning for this institution's next decade, he has repeatedly made the kinds of suggestions and raised the kinds of questions which serve to focus attention on the significant matters of policy, thus helping to guide the Board to a sharpened appreciation of its proper role. He was one of several trustees who provided leadership in a decision to reorganize the Board to provide for term membership in place of the more traditional life appointment.

Because I am a lawyer by training, I cannot resist adding a brief word about Mr. Powell's capacities as a man of the law. He has without exception the keenest analytical mind I have encountered, and is able to apply this disciplined talent with a disinterested judgment which is underpinned by deep commitment to humanity and concern for the rights of man in society. The President has made an outstanding appointment.

SUPPLEMENTARY DOCUMENTS FROM WASHINGTON AND LEE UNIVERSITY

A RESOLUTION

In recognition of President Nixon's appointment of Lewis F. Powell, Jr. as an Associate Justice of the United States Supreme Court, the Board of Trustees of Washington and Lee University wishes to enter into the official annals of this 222-year-old institution its approbation of the President's wise choice and this commentary on the great esteem in which we hold our alumnus, our friend, and our fellow Trustee.

A record of unparalleled distinction marks every association that Lewis Powell has had with the University he chose for both his undergraduate and his professional education. He was an honor graduate—Phi Beta Kappa and *magna cum*

laude—of the School of Commerce and Administration in 1929; in 1931 he graduated first in his class in the School of Law. During his first year in the School of Law, Lewis Powell served as President of the Student Body, and at commencement he was awarded the coveted Algernon Sydney Sullivan Medallion, bestowed by the faculty upon the graduate who “excels in high ideals of living, in spiritual qualities, and in generous and disinterested service to others.”

This dedication to the disinterested service of his fellow man and his total commitment to the highest ideals of his profession brought Lewis Powell again to the commencement platform of Washington and Lee University in 1960, when an admiring Alma Mater conferred upon him its honorary degree of Doctor of Laws. The following year he was elected to the University’s Board of Trustees. Upon the completion of his notable administration as President of the American Bar Association in 1964-65, Lewis Powell was invited to deliver the eighteenth annual John Randolph Tucker Lecture in Law at Washington and Lee. His brilliant discourse on a lawyer’s view of civil disobedience ranks among the finest of these annual lectures by many of the nation’s most highly regarded justices, attorneys, and legal educators.

While the many achievements of Lewis Powell both within and without his profession have drawn our respect and admiration, it is in his capacity as a Trustee of Washington and Lee University that he has won our highest regard for the qualities of analytical discernment, wise judgment, and sympathetic understanding that are found in him in rare and abundant concert. His voice in our deliberations has always been the voice of finely-tempered reason, and we have responded to this voice with trust and confidence.

While we endorse here without qualification Lewis Powell’s appointment to the bench of our nation’s highest court, we must confess to a measure of selfish reluctance. We shall no longer feel able to call upon him for such a generous commitment of his time and his attention, and Washington and Lee University will be the poorer for this. But we take comfort and joy in the fact that those attributes of Lewis Powell we admire so much, both professional and otherwise, shall now be directed to the best interests of our entire nation.

These sentiments, approved unanimously by the Board of Trustees in regular session October 29, 1971, shall be spread upon its minutes, a copy forwarded to the Committee on the Judiciary of the United States Senate, and a copy presented to our honored friend and colleague.

WASHINGTON AND LEE UNIVERSITY,
Lexington, Va., October 27, 1971.

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

MY DEAR SENATOR EASTLAND: I hope I am not presumptuous in venturing to send you a brief comment apropos the President’s nomination of Lewis F. Powell, Jr. to the Supreme Court. It has been my privilege to know him as a personal friend and fellow citizen of the City of Richmond, Virginia, for thirty-three years.

I feel sure you know of his distinguished services to the City of Richmond, along with those to the state and to the nation. It has occurred to me, however, that you might be less familiar with his services as an alumnus of Washington and Lee University and, for the last ten years, a member of its Board of Trustees. Ever since his graduation, his many talents have always been available to his alma mater, but since his election to the Board in 1961, the University has laid claim upon them to a very extensive degree. He was particularly helpful in his advocacy of the opening of the University to qualified black students in the early 1960’s and was undoubtedly a major factor in the decision of the Board of Trustees to follow that course.

My major purpose in writing this letter is to comment upon what I should regard as his ideal judicial mind. In Board discussions, committee meetings, and in other relations with him, I have observed his calm, objective approach to all problems, including those charged with some emotion. I have never seen a more patient probing for facts on which to base a decision nor a more careful interpretation or penetrating analysis of them when presented. His reasoned judgments following his analyses reveal a brilliant sense of the significant factors and of their relationship to others. Time and time again in group discussion it has been he whose formulations expressed the mind of the group.