

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

with that organization. By reason of his responsibilities in this regard, I had the opportunity to work closely with him on a wide range of problems affecting the Foundation, the legal profession and the administration of justice. In virtue of his unusually open mind and generous spirit, the exchanges of ideas that took place between us were frequent and extensive. As a result, I believe I have as full and accurate an estimate of Mr. Powell's qualities of mind and character as anyone whom I have known in the course of my professional life.

Lewis Powell is the finest man of the law I know. He has first class powers of intellect, being able to grasp the essentials of any problem quickly and to pursue its complications to their end. He has judiciousness of temperament equalled by few and exceeded by none that I have met. He has great patience. He is able to give genuine consideration to ideas with which he does not agree and to alter his own views when persuaded. He has very broad knowledge, not only of the law but of the affairs of life and mind generally. He has unflinching concern for others and their interests. He is easy to work with and for.

At the same time, Mr. Powell is very practical, decisive and persevering. He believes in doing things well and properly. He does his work conscientiously, diligently and with great energy. In the affairs of the American Bar Foundation, among the company of some of the country's leading judges, lawyers and legal scholars, his judgment on any matter of moment was always heeded and usually held sway.

Mr. Powell's views differ from my own on many points. In general, I would describe him as considerably more conservative. Yet I have always had the greatest confidence in presenting ideas and proposals to him. He invariably seeks to establish at once the areas of agreement, to illuminate the areas of disagreement as distinctly as possible, and to formulate solutions that do the least avoidable damage to considerations which others feel are important. He is thus at the same time a thoughtful interlocutor, a firm arbitrator and a peace-maker. These qualities seem to me especially fit in a member of the Supreme Court.

STATEMENT OF DEAN MONRAD G. PAULSEN

Gentlemen:

I wish to make a short statement in support of the confirmation of Mr. Lewis Powell of Richmond as an Associate Justice of the Supreme Court of the United States.

Mr. Powell's record has, of course, been fully documented and laid before this Committee. There is no need for me to attempt the comprehensive statement of the reasons I think Lewis Powell should be confirmed. The purpose of my statement is to add emphasis from a particular interest of mine.

For a number of years, I have been studying the general question of the availability of legal services in the United States. When Lewis Powell was President of the American Bar Association one of the great issues laid before the House of Delegates was the question whether the federal program for legal services for the poor operating out of the Office of Economic Opportunity should be supported by the Bar. Mr. Powell's energetic leadership and firm conviction that equal justice for the poor man as well as the rich man prevented the Bar from making the serious mistake which the medical profession has made time and time again in resisting programs for publicly-supported health care.

Today, over 2,000 lawyers in several hundred offices are serving the needs of the poor with the cooperation and help of members of the Bar. The program has been greatly improved by the contributions and guidance which the Bar has given.

Throughout its history, the Office of Economic Opportunity Legal Services Program has been supported by organized Bar and an effective plan for realizing justice has become a reality.

More than any single person, Lewis Powell is deserving of the praise which is appropriate to the founder of an enterprise.

Senator BYRD. Mr. Chairman, may I say for the information of the committee that some of the names which the chairman called are persons who are not in the room because they had not been informed of the change in the schedule. That is the reason that some did not rise when their names were called. I wanted to make that clear.