

## NOMINATIONS OF WILLIAM H. REHNQUIST AND LEWIS F. POWELL, JR.

THURSDAY, NOVEMBER 4, 1971

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The committee met, pursuant to recess, at 10 a.m., in room 1202, New Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, McClellan, Hart, Kennedy, Bayh, Burdick, Tunney, Hruska, Fong, Scott, Thurmond, Cook, Mathias, and Gurney.

Also present: John H. Holloman, chief counsel, Francis C. Rosenberger, Peter M. Stockett, Hite McLean, and Tom Hart.

The CHAIRMAN. Let us have order.

I will state to the committee that Senator Byrd and Senator Spong desire to go to Senator Willis Robertson's funeral. Therefore, they are going to present the nominee, Mr. Powell, and then we will go back to Mr. Rehnquist.

Senator BYRD.

Senator BYRD. Thank you, Mr. Chairman.

Gentlemen of the committee, I shall be very brief. I know that the committee wants to proceed expeditiously on these two nominations since the Court is short handed.

Now, Mr. Chairman, first I would like to invite to the attention of the committee—

The CHAIRMAN. Wait just a minute.

Is Congressman Satterfield present?

Mr. SATTERFIELD. Yes, sir.

The CHAIRMAN. Would you come up, sir?

### STATEMENT OF HON. HARRY F. BYRD, JR., A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator BYRD. Mr. Chairman, I want to invite to the attention of the committee that the entire Virginia congressional delegation is present this morning, four Democrats and six Republicans, in support of the nomination of Lewis F. Powell to the Supreme Court of the United States.

Also present is the attorney general of Virginia, Mr. Andrew Miller, who strongly supports the nomination of Mr. Powell, and the committee has, in its hands, a letter from Governor Holton who likewise strongly supports the nomination of Mr. Powell

Mr. Chairman, gentlemen of the committee, I have known Lewis Powell for 25 years. He is an outstanding lawyer. He is recognized not only in Virginia but throughout the Nation as one of those who stand at the very top of the legal profession.

He has in my judgment a fine judicial temperament. He is a man of great ability and of the highest integrity. I feel confident that he will add luster to the highest court of our land.

The people of Virginia are strongly behind Lewis Powell. Although he has dedicated his life to the law, he has served his community, the city of Richmond, and his State, the State of Virginia, in many positions of responsibility of an appointive nature.

Through the years he has taken a keen interest in education, having served on the school board of his native city and subsequently on the State Board of Education for the Commonwealth of Virginia.

Mr. Chairman, and gentlemen of the committee, I strongly endorse President Nixon's nomination of Lewis F. Powell to the Supreme Court of the United States, and I am convinced that if he is approved by this committee, and confirmed by the Senate, that he will make an outstanding jurist and he will add distinction to the most distinguished court in our land.

I thank the chairman and the members of the committee for this opportunity.

The CHAIRMAN. Any questions?

Senator Spong.

#### **STATEMENT OF HON. WILLIAM B. SPONG, JR., A SENATOR FROM THE STATE OF VIRGINIA**

Senator SPONG. Mr. Chairman, I am pleased to be here with Senator Byrd this morning and with Congressman Satterfield and all the other members of the Virginia congressional delegation and the attorney general of Virginia to present to the Judiciary Committee Lewis F. Powell, Jr., who has been nominated for the Supreme Court.

Mr. Powell has engaged in the private practice of law since 1932 in Richmond. His career has included positions of highest honor and greatest responsibility in the legal profession.

He was president of the American Bar Association in 1964-65, president of the American College of Trial Lawyers in 1969-70, and president of the American Bar Foundation in 1969-71. In 1970 he was elected an Honorary Venturer of Lincoln's Inn—one of only three Americans, the others being the late Dean Acheson and Whitney North Seymour, to have been so honored.

Lewis Powell has served with distinction as a citizen of his Nation, of his State, and of his community.

At the national level, Mr. Powell was a member of the National Commission on Law Enforcement and Administration of Justice, appointed by President Johnson in 1965.

He was a member of the Blue Ribbon Defense Panel, appointed by President Nixon in 1969 to study the Department of Defense.

Of special interest to the members of this committee, he was a member of the National Advisory Committee on Legal Services to the Poor, established pursuant to the Economic Opportunity Act of