FEDERAL BUREAU OF INVESTIGATION

FREEDOM OF INFORMATION/PRIVACY ACTS SECTION

COVER SHEET

SUBJECT: LEWIS F. POWELL, JR.
FILE # 62-HQ-109348

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 3-25-64

FROM : M. A. Jones

SUBJECT: DR. [redacted] b6 b7C
NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS

LEWIS F. POWELL
PRESIDENT-ELECT
AMERICAN BAR ASSOCIATION
RICHMOND, VIRGINIA

[redacted] advised you that he had recently returned from the Conference of National Organizations at Chicago, Illinois. He said Dr. [redacted] addressed this group on the topic of "Factors for Survival," naming five factors. One of these was the maintenance of internal order, which [redacted] said [redacted] dismissed by referring to [redacted] and his statement that "there are only 8,000 communists in the United States, 1,500 of who are planted FBI Agents." b6 b7C b7D

The following day, according to [redacted] Lewis F. Powell, President-elect of the American Bar Association (ABA), spoke and, using Dr. [redacted] as his authority, allegedly repeated the [redacted] statement in his banquet address.

[redacted] said he would be happy to set Dr. [redacted] straight if you so desired. b6 b7C b7D

INFORMATION IN BUFILES:

b7C [redacted] and Powell are on the Special Correspondents' List.

The 12-2-60 issue of "The Chicago Daily Tribune" reported that more than 50 Northwestern University faculty members signed a petition urging the abolition of the House Committee on Un-American Activities. This petition stated in part, "As faculty members, we find the committee...incompatible with the spirit of the Constitution, especially with regard to free intellectual inquiry and expression." Among the signers listed was [redacted] b6 b7C

EX-114 MCT-32 REC-25 62-

RECORDED 128 APR 10 1964

The 3-27-62 issue of the Washington "Evening Star" reported that Dr. [redacted] Northwestern, speaking to 4,000 elementary school principals of the National Education Association in Detroit, Michigan, on 3-26-62, stated that informal segregation in the

58 APR 14 1964

Enclosure

1 - Mr. H. L. Edwards - Enclosure
1 - Mr. Sullivan - Enclosure
EHA:par

11 APR 10 1964

RESEARCH

ORIGINAL FILED IN 62-109349

M. A. Jones to DeLoach Memo b6
RE: Dr. [redacted] b7C
Lewis F. Powell

North is a much more serious problem than segregation in the South. He called on the group to turn their attention to the "unofficial segregation" in the North, which he termed an efficient segregation based on where one lives and goes to school. He told the principals that, as professional educators, it was their obligation to fight for educational opportunity without regard to race, color or creed, irrespective of any decisions by local boards of education.

OBSERVATIONS:

b6
b7C

It is felt that no purpose would be served in having [redacted] contacted in this matter. We would probably only furnish him ammunition for future attacks on the FBI.

It is not believed that Mr. Powell intended any harm for he has long been a very staunch friend of the Director and the FBI. He is an active supporter of the Director's books, having been of considerable help in fostering their use by the Virginia State Board of Education; he has demonstrated an excellent grasp of the dangers of communism in the past; he met the Director on 1-24-63, at Powell's request, to discuss plans and secure Mr. Hoover's ideas for programs when he assumes the presidency of the ABA August, 1964; and our past relationship with him has been a most cordial one. He seems to be pretty gullible. I would add naive.

It is believed that Inspector H. L. Edwards, who maintains liaison with the ABA and who knows Mr. Powell personally, should take the first opportunity to discreetly ascertain the circumstances surrounding Mr. Powell's alleged use of [redacted] as an authority. If Mr. Powell did quote [redacted] Mr. Edwards can undoubtedly set him straight, without offending him. b6 b7C

RECOMMENDATIONS:

(1) That the attached letter of thanks from Mr. DeLoach be forwarded to Mr. [redacted] b7C b6

O.K.

(2) That Mr. Edwards be asked to ascertain the background of Mr. Powell's alleged use of [redacted] as a source, and to discreetly set him straight on this matter.

b7C b6

Bring handled per [illegible]

August 17, 1964

PERSONAL

Honorable Lewis F. Powell, Jr.
Electric Building
Richmond, Virginia 23212

Dear Mr. Powell:

Please accept my heartiest congratulations on your election as President of the American Bar Association.

This is certainly an honor and a well-deserved recognition of your many contributions to the American Bar Association. My associates and I are looking forward to working with you in all matters of mutual interest, and you have our best wishes for all possible success in this position.

Sincerely yours,

J. Edgar Hoover

REC-43
62-109348

MAILED 4
AUG 17 1964
COMM-FBI

1 - Richmond

EX-102

19 AUG 18 1964

AUG 17 5 14 PM '64
FBI
REC'D READING ROOM

NOTE: Mr. Powell is on the Special Correspondents' List.

CJJ:ems
(5)

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

58 AUG 20 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

RECEIVED-DIRECTOR

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
AUG 14 1964
TELETYPE

Mr. Tolson
Mr. Mohr
Mr. Callahan
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

SENT BY CODED TELETYPE

FBI NEW YORK

239 PM URGENT 8-14-64 JAM

TO DIRECTOR /12/

ATTN.. ASSISTANT DIRECTOR GALE

FROM SUPV. H. L. EDWARDS 3P

AMERICAN BAR ASSOCIATION, EIGHTY SEVENTH ANNUAL MEETING, NEW YORK CITY.

Lewis F Powell, Jr

THIS IS A SUMMARY OF PERTINENT ITEMS IN SESSIONS THURSDAY AND FRIDAY, AUGUST THIRTEEN AND FOURTEEN.

AMONG VARIOUS COMMITTEE REPORTS BEFORE CRIMINAL LAW SECTION WAS ONE BY JUDGE H. EUGENE BREITENBACH, CHAIRMAN OF THE CRIMINAL LAW SECTION COMMITTEE ON JUVENILE DELINQUENCY, WHICH REPORT STRONGLY ENDORSED THE ESTABLISHMENT OF A NATIONAL ACADEMY OF CRIMINAL JUSTICE. BREITENBACH STATED THIS IDEA WAS ORIGINALLY ADVANCED BY [redacted] WHO BELIEVES THAT A "WEST POINT OF CRIMINAL JUSTICE" SHOULD BE ESTABLISHED AT HARVARD LAW SCHOOL TO TRAIN PEOPLE FOR POLICE WORK. BREITENBACH RECOMMENDED THAT THE CRIMINAL LAW SECTION ENDORSE THIS IDEA BUT FORTUNATELY IT WAS POSSIBLE TO PREVENT ANY FORMAL ACTION BEING TAKEN AT THIS MEETING.

b6
b7C

ENCLOSURE

H. L. EDWARDS, WHOSE TERM OF COUNCIL OF CRIMINAL LAW SECTION EXPIRED, WAS ELECTED AS ASSESTANT SECRETARY OF ~~SECTION, WITH~~ END PAGE ONE

Let to Powell
Kuhn

MR. MOHR FOR THE DIRECTOR

AUG 26 1964

4-17-64

56 SEP 3 1964

ORIGINAL FILED IN 94-1-369

62-109348
NOT RECORDED
199 AUG 27 1964

L. B. NICHOLS AS SECRETARY, BRIGADIER GENERAL KENNETH J. HODSON AS SECTION CHAIRMAN, ARTHUR FREUND AS ASSISTANT SECTION CHAIRMAN, AND RETIRING BUREAU OF PRISONS DIRECTOR, JAMES BENNETT AS SECTION DELEGATE TO HOUSE OF DELEGATES. AT FINAL MEETING ON FRIDAY, PRESIDENT ELECT LEWIS POWELL, JR. WAS FORMALLY ELECTED AS PRESIDENT OF ABA FOR COMING YEAR, AND EDWARD W. KUHN, WHO HAD BEEN THE PRESIDENT ELECT NOMINEE, WAS FORMALLY ELECTED AS PRESIDENT ELECT FOR COMING YEAR. SUGGEST CRIME RECORDS DIVISION PREPARE APPROPRIATE LETTERS OF CONGRATULATION FOR POWELL AND KUHN, AND APPROPRIATE LETTER FOR RETIRING PRESIDENT WALTER E. CRAIG, WHO WILL NOW ASSUME US DISTRICT JUDGESHIP IN PHOENIX

IN CONVERSATIONS WITH CRAIG LAST EVENING, HE STATED HE WAS ESPECIALLY APPRECIATIVE OF SUPPORT AND EXTENSIVE HELP WHICH THE DIRECTOR HAD GIVEN TO HIM THROUGHOUT HIS TERM. HE STATED HE IS CONFIDENT THAT THE EVER PRESENT THREAT OF COMMUNISM WILL BE CONTINUALLY STRESSED BY POWELL DURING THE COMING YEAR. CRAIG ADDED THAT IF AT ANY TIME HE CAN EVER DO ANYTHING FOR THE DIRECTOR, HE WANTS HIM TO MAKE CERTAIN THAT HE PERSONALLY CONTACT CRAIG.

END PAGE TWO

IN CONVERSATION WITH LEWIS POWELL, POWELL STATED LAST EVENING, THAT HE IS STILL CONVINCED A MAJOR PROBLEM EXISTING IN THIS COUNTRY IS THE RISING CRIME RATE, AND HE INTENDS TO MAKE THIS HIS MAJOR GOAL DURING HIS ADMINISTRATION AS ABA PRESIDENT. HE STATED HE IS GRATEFUL OF THE TIME THE DIRECTOR HAS SPENT WITH HIM DURING POWELL-S VISIT TO WASHINGTON, AND IS VERY APPRECIATIVE OF ALL THE HELP WHICH THE DIRECTOR HAS MADE POSSIBLE TO DATE.

PRESIDENT ELECT KUHN IS ALSO A STRONG FRIEND OF THE BUREAU, AND INDICATED HE WOULD BE APPRECIATIVE OF ANY GUIDANCE THE DIRECTOR MIGHT SEE FIT TO GIVE HIM DURING HIS TERM AS PRESIDENT ELECT, AS WELL AS HIS TERM AS PRESIDENT THE FOLLOWING YEAR.

AT FINAL SESSION FRIDAY MORNING, IT WAS ANNOUNCED WITHOUT DETAIL, THAT LOYD WRIGHT OF CALIFORNIA, PAST ABA PRESIDENT, DIED DURING THE NIGHT. SUGGEST CONSIDERATION BE GIVEN TO SENDING AN APPROPRIATE LETTER OF CONDOLENCE TO SURVIVING RELATIVES. LOS ANGELES OFFICE WILL BE ABLE TO SUPPLY ANY DETAILS NEEDED FOR APPROPRIATE PREPARATION OF LETTER.

ANNUAL MEETING TERMINATES TODAY.

END

JRL

CC- Mr. Hale + Mr. Edwards

FBI WASH DC

RA

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
LEWIS F. POWELL, JR.

August 28, 1964

Dear Mr. Hoover,

Thank you so much for your generous note of August 17.

I hardly need say that I look forward, as President of the American Bar Association and personally, to the continued close relationship with the Federal Bureau of Investigation and with you and your fine staff.

Do not hesitate to call on me if there is any way in which the American Bar Association or I can be of assistance to you or the Federal Bureau of Investigation.

With warm best wishes, I remain

Sincerely,

Lewis Powell

Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

24/167

62-109348-3

EX 110

21 SEP 2 1964

no reply

8

36 SEP 4 1964

CORRESPONDENCE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-107

UNITED STATES GOVERNMENT

Memorandum

APR 2 1965

TO : DIRECTOR, FBI

DATE: 4/1/65

FROM : SAC, RICHMOND (80-555)

ATTENTION: CRIME RECORDS DIVISION

SUBJECT: LEWIS F. POWELL, JR.
SAC CONTACT

To SAC, Richmond
Date 4/20/65
Approved by Bureau as SAC Contact

The following information is being submitted on the above-captioned individual and the Bureau is requested to approve him as an SAC Contact of the Richmond Office.

(a) Description:

Race	White
Sex	Male
Age	57 (Born 9/19/07)
Height	6'
Weight	Approximately 160 lbs.
Complexion	Fair
Hair	Brown, balding in front
Eyes	Hazel
Occupation	Attorney
Marital Status	Married
Residence	[redacted] Richmond, Va.
Home Telephone No.	EL 3-8914
Business Address	Hunton, Williams, Gay, Powell and Gibson Attorneys at Law Electric Building Richmond, Virginia
Business Telephone	MI3-0141

b6
b7C

(b) Services this contact can provide:

Mr. Powell is associated with one of the most prominent law firms in Virginia, and at the present time is also President of the American Bar Association. His term as President will expire at the end of June, 1965. In addition, he is a member of the Virginia State Board of Education. Because of his position, Mr. Powell is very familiar with members of the legal profession in Virginia and throughout the country and his position on the State Board of Education puts him in a unique position to furnish information concerning school integration activities in Virginia.

noted on staff Christmas card list 4-23-65

(3) - Bureau
1 - Richmond
TEB:GTC
(4)

REC-51 62-109348

8 APR 2 1965

APR 26 1965

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CRIME RESEARCH

(c) Past relations with field office:

Mr. Powell has always been most cooperative with the Richmond Office. He is contacted very frequently for information concerning persons under investigation, particularly in connection with Special Inquiry matters, and always furnishes reliable information. On several occasions he has offered the services of the American Bar Association to the FBI, and he has made many speeches throughout the country, as President of the American Bar Association, and has commended the Director and the Bureau, and urged support of the Bureau in its war on crime. It is also known that Mr. Powell has carried on a very favorable and complimentary correspondence with the Director for several years.

(d) Thumbnail sketch of known history:

Mr. Powell is a native of Suffolk, Virginia and a graduate of Washington and Lee University and the Law School there. He served in the U.S. Army for four years and has been a member of the prominent law firm of Hunton, Williams, Gay, Powell and Gibson, Richmond, Virginia, for a number of years. He has a satisfactory credit rating in Richmond, Virginia and no arrest record in Richmond. In addition to presently being President of the American Bar Association, which with his term expiring at the end of June, 1965, he is a member of the Virginia State Board of Education, and is a member of the State Board of Trustees of Colonial Williamsburg, Williamsburg, Virginia, and a member of the Board of Trustees of Hollins College and the Union Theological Seminary. He was recently honored by a citation for outstanding service by the Virginia Trial Lawyers Association with the presentation being made to him on 3/27/65.

(e) Derogatory Information:

None

(f) Recommendation of SAC:

It is recommended that the Bureau approve Mr. Powell as an SAC Contact of the Richmond Office.

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19__

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524
- [x] Forward to File Review
- [ ] Attention _____
- [ ] Return to _____

Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [x] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup
- [ ] Variations

Subject Powell, Lewis F

Birthdate & Place _____

Address _____

Localities _____

R# 105 Date 4-2 Searcher Initials 721

Prod. _____

APR 8 1966

FILE NUMBER	SERIAL
ND	62-109348
ND	62-109090-362
ND	62-44172-7,5 ND
ND	62-109969-A means Herald 1-Sec 65
ND	62-103031-200
ND4	63-383-176, 156 & ND
ND	94-1-369-A no paper 2-27-63
	ND 1879, ND 1878, ND 1876, ND 1877, ND 1875, ND 1866, ND 1865, ND 1864, ND 1852, & ND 1823, & ND 1812, & ND 1805, & ND 1803, & ND 1783, ND 1778, ND 1729, ND 1727, ND 1700, ND 1688, ND 1622, ND 1618, ND 1600, ND 1595, ND 1591, ND 1590, ND 1467, ND 1449, ND 1438, ND 1194 p#6, ND 1942, ND 1908
ND	94-1-22423-2
ND	33-1-51-144, 146 ND
ND	33-1-17521
ND	64-32001-1-3 up #18

APR 15 1965

4-22a (Rev. 11-17-59)

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Lowell, Lewis F.

Supervisor _____ Room _____

R# 105 Date 4-2 Searcher Initial 221

Prod. _____

FILE NUMBER	SERIAL
ND	100-351585-3339 ep #30
ND	105-82155-4618
ND	121-3-120
	Lewis
ND4	94-1-369-1805, ND4 1810, ND 1897
ND4	62-5-20231 ep #32
ND	62-44172-5
ND4	63-383-172
ND	64-31870-733
	Lewis F Jr (Var)
ND	67-045-1127

APR 15 1965

June 30, 1965

BY LIAISON

JUN 30 3 59 PM '65
REC'D-READING ROOM
F B I

Honorable Marvin Watson
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Watson:

b6
b7C

Mrs. [redacted] has requested an FBI name check on Lewis F. Powell, who was born on September 19, 1907, at Suffolk, Virginia.

The FBI has never conducted an investigation regarding Lewis F. Powell and the files contain no pertinent information concerning him. Civil fingerprints were located in the files of the FBI Identification Division which may be identical with those of Mr. Powell. These fingerprints were searched through the criminal files of the Identification Division and no arrest record was located.

Personally delivered to [redacted]

b6
b7C

Sincerely yours,

62-109348-5

JUL 1 1965

1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. DeLoach (sent direct)
1 - Mr. Gale
1 - Mr. Rosen

ENCLOSURE

NOTE: To be delivered by liaison by Mr. DeLoach's Office.

DGH:ms (10)

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

4-22 (Rev. 1-22-60)

Federal Bureau of Investigation
Records Branch

_____, 19__

- [ ] Name Searching Unit - Room 6527
- [ ] Service Unit - Room 6524 b6
- [ ] Forward to [redacted] b7C
- [ ] Atte[redacted]
- [ ] Retur[redacted] 4230

Supervisor Room Ext.

Type of References Requested:

- [ ] Regular Request (Analytical Search)
- [x] All References (Subversive & Nonsubversive)
- [ ] Subversive References Only
- [ ] Nonsubversive References Only
- [ ] Main _____ References Only

Owen NAR

Type of Search Requested:

- [ ] Restricted to Locality of _____
- [ ] Exact Name Only (On the Nose)
- [ ] Buildup
- [ ] Variations

see Who's Who

Subject Lewis F. Powell Jr
Birthdate & Place 9-19-07 Suffolk Va.
Address _____

Localities _____

R# 605 Date 6/28 Searcher Initials Amh

Prod. JUN 28 1965

	FILE NUMBER	SERIAL
✓ I	62-109348	
NP	~~33-1-17521~~	
NP	~~33-1-51-144~~	
I	~~146~~	
I	62-44172-5	
I	7	
NP	~~62-103031-200~~	
NP	~~62-109090-363~~	
NP	~~62-109969-A Mm Herald 1-8-65~~	
I	63-383-156	
I	176	
NP	[redacted] 3 mil pg 18	
NP	~~94-1-369-1194 pg 6~~	
I	~~1438~~	
I	~~1449~~	
I	~~1469~~	
I	~~1590~~	
I	JUN 28 1965 ~~1591~~	
I	~~1595~~	
I	~~1600~~	

b6
b7C

R601

4-22a (Rev. 11-17-59)

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Lewis F Powell Jr

Supervisor [redacted] b7C b6 Room 4230

R# 605 Date 6/28 Searcher Initial

Prod. 22 K

JUN 28 1965

FILE NUMBER		SERIAL
	Lewis F	
N.P.	94-1-369-~~1618~~	
I	~~1620~~	
I	~~1688~~	
I	~~1700~~	
L	1727	
L	1729	
L	1778	
L	1783	
L	1803	
L	1805	
L	1812	
L	1823	
L	1852	
L	1864	
L	1865	
L	1866	
L	1875	
L	1876	
L	1877	
L	1878	
L	1879	
L	1908	

Not Perf

JUN 28 1965

1601

4-22d (11-17-59)

NUMEROUS REFERENCE

SEARCH SLIP

Subj: Lewis F Powell Jr

Supervisor [redacted] Room 4230

R# 605 Date 6/28 Searcher Initial cmk

Prod. 15R JUN 28 1965

FILE NUMBER	SERIAL
	Lewis F
L	[redacted] 1942
L	1957
L	1963
~~NP~~	~~94-1-369-A [illegible]~~
	given dtd on card 2/27/63
~~NP~~	~~94-1-22423-2~~
~~NP~~ ND	100-351585-3339 incl pg 30 I
~~NP~~	~~105-82555-4618~~
~~NP~~	~~121-3-120~~
	Lewis Franklin (per bks who)
	NR
	Lewis
	~~26-32819 MF~~
NR	[redacted]
NR	[redacted] 704
NR	~~932~~
NR	[redacted] 524 pg 4,6,7,9,10, 14,17,19
	[redacted] 2 MF
~~NP~~	62-5-20231 incl pg 32
L	[redacted] 72
L	[redacted]
~~NP~~	[redacted]

b6
b7C

1100

a (Rev. 11-17-59)

NUMEROUS REFERE E

SEARCH SLIP

Subj: Lewis 7 Powell

Supervisor [redacted] Room 4230

R# 605 Date 6/28 Searcher Initial [illegible]

Prod. DR

FILE NUMBER JUN 28 1965 SERIAL

Lewis

NI [redacted]

L [redacted] 1810

L 1897

L 1951

NI [redacted] 9

NI [redacted] 206

NR [redacted] 1

NR 2

NR 3

NR [redacted] 1

NR 2

L 7

[redacted] 21 NF

Louis 7

~~67-045-1127~~

bldup

JUN 28 1965 NR

Louis

approx 50 Cards not listed

Franklin

NR [redacted] 8

R601

b6
b7C

THE WHITE HOUSE
Washington

MEMORANDUM

TO : Mr. Cartha D. DeLoach, FBI

DATE: June 26, 1965

FROM : [redacted] b6 b7C

8-20-64

SUBJECT: FBI Investigation

Subject's Name Lewis F. Powell

Date of Birth 9/19/07 Place of Birth Suffolk, Va.

Present Address 1238 Rothesay Road, Richmond, Virginia

[redacted] b6 b7C has requested:

- [ ] Copy of Previous Report
- [x] Name Check
- [ ] Full Field Investigation

The person named above is being considered for:

- [ ] White House staff position
- [x] Presidential Appointment
- [ ] Position with another Agency

ATTACHMENTS:

- [ ] SF 86 (in duplicate)
- [ ] SF 87, Fingerprint Card
- [x] Biography

b6 b7C

[redacted]

let to 6/30/65 DE Hoover

REMARKS:

b6 b7C

REPORT SHOULD BE DELIVERED BY FBI TO: [redacted]

ENCLOSURE: 62-109348-5

BIOGRAPHIC DATA

POWELL, Lewis F.
Age 57 (Born September 19, 1907 in Suffolk, Virginia)
Res: [redacted]
Richmond, Virginia

b6
b7C

PRESENT POSITION

President, American Bar Association
Partner, Hunton, Williams, Gay, Powell and Gibson in Richmond, Virginia

EDUCATION

1929	B.S., Washington and Lee
1931	LL.B., Washington and Lee
1932	LL.M., Harvard

PREVIOUS EXPERIENCE

1931	Admitted to Virginia Bar and practiced law in Richmond since then

ALSO:

Phi Beta Kappa, Democrat
Trustee and General Counsel, Colonial Williamsburg, Inc.
Director, Commonwealth Natural Gas Corp.
Ethyl Corporation
Miller and Rhoads, Inc.
and other Corporations

1948-52	Special Assistant to Attorney General Selective Service Act of 1948.
1948-56	Member, Governor's Advisory Council on Virginia Economy
1961-	Member, Virginia State Board of Education

Vice Chairman, Board of Trustees, Union Theological Seminary
Member, numerous other organizations
Contributor, legal periodicals

MILITARY EXPERIENCE

1942-46	Colonel, USAAF. Legion of Merit, Bronze Star, Croix de Guerre with palms (France).

ENCLOSURE 62-109348-5

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: June 30, 1965

FROM : W. M. FELT

SUBJECT: THE PRESIDENT'S COMMISSION ON CRIME AND DELINQUENCY

Background sketches have been prepared concerning a number of individuals who are being considered for appointment by the President for captioned commission. Among the summaries prepared was one relating to Lewis F. Powell, Jr., outgoing President of the American Bar Association.

Powell, an SAC contact of the Richmond Office, has had extensive and favorable contacts with the Bureau. In the summary, however, it was pointed out that in March, 1964, one Dr. [redacted] addressed a Conference of National Organizations at Chicago, Illinois. [redacted] belittled the communist threat by referring to [redacted] and his statement that "There are only 8,000 communists in the United States, 1,500 of whom are planted FBI Agents." According to our source, Powell spoke to the group the following day and allegedly repeated the [redacted] statement in his banquet address. Mr. Tolson has asked whether or not this matter was ever taken up with Powell.

b6
b7C

REC-75 62-109348-6

By memorandum dated 3/25/64 from Mr. M. A. Jones to Assistant Director DeLoach, it was recommended and approved that Inspector H. L. Edwards who maintains liaison with the American Bar Association and who knows Powell personally discreetly ascertain the circumstances and if true with regard to Powell, personally set him straight.

EX-113

6 JUL 20 1965

By personal letter dated April 7, 1964, Inspector Edwards communicated with Powell concerning the matter and furnished public source data concerning [redacted] In a personal letter to Inspector Edwards dated April 9, 1964, Mr. Powell expressed surprise that anyone thought he was favorably impressed by Dr. [redacted] reference to the FBI. He went on, "I did 'ad lib' a reference to Dr. [redacted] statement about the 'maintenance of internal order.' I must have been too subtle for your informant as my intention was certainly not to compliment either Dr. [redacted] or imply in the slightest my approval of what he said. Instead, although my reference was extremely incidental I intended to belittle what Mr. [redacted] had said." Mr. Powell went on to express his appreciation that the matter had been brought to his attention.

b6
b7C

UNRECORDED COPY FILED IN 62-109348-1 62-107113-1

b6
b7C

Who is Dr. [redacted]
+ did you write him
Powell's appreciation
is certainly a mea culpa

RECOMMENDATION

None. Informative.

70 JUL 29 1965 XEROX
JUL 20 1965

WMF:bhg (4)

Jones Memo 7-1-65
ELC: SOA

December 9, 1965

REC- 16 62-109348-7

EX-117

Honorable Lewis F. Powell, Jr.
Electric Building
Richmond, Virginia 23212

Dear Mr. Powell:

This is in response to your letter of December 2, 1965, to Inspector H. Lynn Edwards.

With reference to the "Time" magazine article referred to in your letter and specifically Judge Sobel's use of FBI statistics, your attention is invited to pages 6 and 7 of Uniform Crime Reports - 1964. The fact that most murders, as well as serious assaults, occur within the family unit or among neighbors and acquaintances does not necessarily mean that "a good supply of incriminating evidence" results. It is a fact that the offender in these impulsive-type attacks does frequently volunteer the truth. The relationship between the victim and the offender does not guarantee physical or other type evidence outside of a confession.

Your kind comments concerning my most recent address are greatly appreciated.

Sincerely yours,

J. Edgar Hoover

1 - Mr. DeLoach
1 - Mr. H. Lynn Edwards

NOTE: This is in response to the request in the Edwards to Felt memorandum 12-6-65 captioned "Lewis F. Powell, Jr., Immediate Past President, American Bar Association." Correspondent is on the Special Correspondents' List.

JJD:jtm
(5)

MAILED 3
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94-3-4-22
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DEC 13 1965

Tolson
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MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
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Trotter
Wick
Tele. Room
Holmes
Gandy

TO : Mr. Felt

DATE: December 6, 1965

FROM : H. L. Edwards HLE

LEWIS Powell

SUBJECT: LEWIS F. POWELL, JR.
IMMEDIATE PAST PRESIDENT
AMERICAN BAR ASSOCIATION

Attached is a letter 12-2-65 from Lewis F. Powell in which he refers to the fact that he endeavored to have the Director's speech, "The Faith of Free Men," given before the Supreme Council of the 33° of Ancient and Accepted Scottish Rite of Free Masonry on October 19, 1965, reprinted in the Readers' Digest. Powell indicates that Readers' Digest advises that "conflicting material" will prevent reprinting the Director's address.

Powell goes on to discuss that he noticed the 12-3-65 issue of "Time" magazine contains the story on criminal justice and he was particularly discouraged by the report of Justice Sobel (page 65) quoting FBI statistics. Powell would like to have some objective evaluation of Sobel's report, indicating it will surely be discussed by the American Bar Association's Committee and possibly the President's Commission on Crime.

It may be that the Crime Records Division would have some material useful to Powell in answer to his request for "some objective evaluation" of the Time article.

RECOMMENDATION:

That this matter be referred to the Crime Records Division for acknowledgement of Powell's request.

Enclosures

1 - Mr. DeLoach

HLE:mbk
(4)

ENCLOSURE

MCT-1 SD

62-109348-7

REC-16

EX-114

4 DEC 10 1965

DEC 13 1965

Let to Lewis F. Powell
JSD/gtm 12/9/65

94-3-4-227-
94-1-369-

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AREA CODE 703
MILTON 3-0141

December 2, 1965

FILE NO.

Inspector H. Lynn Edwards
Federal Bureau of Investigation
Washington, D. C.

Dear Lynn:

I was most disappointed to receive in the mail today a note from the Reader's Digest that "conflicting material" prevents reprint by the Digest of Mr. Hoover's splendid address.

I have some other ideas which I will follow up. Of all of his great statements in recent years, I consider his October 19 address as the most outstanding.

Changing the subject, I have just seen the story on criminal justice in the December 3 issue of Time magazine. It refers (on page 65) to a report by Justice Sobel of New York in which he quotes FBI statistics. I am sure I can obtain a copy of the Sobel report, but I would be particularly interested in having some objective evaluation of it. I am sure that it will be discussed by our ABA Committee and possibly by the President's Commission on Crime.

Sincerely,

Lewis

24/167

ENCLOSURE

62-109348-7

DEC 13 1965

THE READER'S DIGEST
PLEASANTVILLE • NEW YORK

DEC 1965
RECEIVED

November 30, 1965

Dear Mr. Powell:

According to our practice here, several staff members have looked over the J. Edgar Hoover address you submitted, but I'm afraid the consensus is against holding it for possible Digest reprint. Conflicting material is in preparation here.

Thank you nonetheless for your thought and for your interest in the magazine.

Sincerely,

Hobart Lewis

Mr. Lewis F. Powell
Hunton, Williams, Gay, Powell & Gibson
Electric Building
Richmond, Virginia 23212

DEC 13 1965

EXECUTIVE EDITOR: HOBART LEWIS

62-109348-7

ENCLOSURE

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Wick
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

June 16, 1966

Mr. Wick:

Pursuant to Mr. Tolson's request, there are attached summary memoranda concerning Kenneth C. Royall, former Secretary of the Army; Ross L. Malone and Lewis F. Powell, former Presidents of the American Bar Association. In the interest of expediency, review was necessarily limited to main files, former summaries and a review of the abstracts of subsequent "See" references.

M. A. Jones

ENCLOSURE
Enclosures (3)

1 - Mr. DeLoach - Enclosures (3)
1 - Mr. Wick - Enclosures (3)

DGH:mjl
(4)

My memory as Royall was not too bad.

62-109348-8

NOT RECORDED
145 JUN 23 1966

REC-82

ENCLOSURE

14 JUN 23 1966

CROSS REFERENCE

69 JUL 7 1966

June 16, 1966

LEWIS F. POWELL, JR. Summary

BIOGRAPHICAL DATA:

Powell was born September 19, 1907, at Suffolk, Virginia. He was educated at McGuire's University School, Richmond, Virginia. He received a Bachelor of Science degree from Washington and Lee University in 1929 and a law degree there in 1931. He received a Master's degree from Harvard in 1932. Powell served with the U. S. Air Force during World War II and was advanced to the rank of Colonel. Powell is associated with the prominent Richmond, Virginia, law firm of Hunton, Williams, Gay, Powell and Gibson. MPSS

INFORMATION IN BUFILES:

Powell has held a number of important positions in the American Bar Association (ABA) and in 1964 he was elected President of the ABA. The Director sent him a warm letter of congratulations on that occasion. Powell has always been a friend of law enforcement and has actively worked to improve the image of law enforcement. He is an SAC contact of the Richmond Office. Powell has always been a great admirer of the Director and the FBI and was most cooperative with the Bureau during his tenure as President of the ABA. He was appointed a member of the President's Commission on Law Enforcement and Administration of Justice in July, 1965.

At the ABA convention in August, 1960, Powell submitted a supplemental publication proposing to the ABA delegates a resolution that the ABA recommend that there be added to the curriculum of high schools, both public and private, a required course devoted to the specific study of communism and that the ABA, as a means of implementing this resolution, request the cooperation of state and local school boards to initiate in-service training to assure qualified teachers to handle these courses and recommend to local bar associations to work with local boards of education to provide speakers and to assist in the general over-all purpose of the resolution.

62-109348-8

Powell met the Director in his office on January 24, 1963, at Powell's request, to discuss plans and secure Mr. Hoover's ideas for programs to be followed when he assumed the Presidency of the ABA in August, 1964.

Files indicate that Powell's name was suggested as a member for the President's Commission on Crime and Delinquency in 1965 and the Director's observations concerning Powell and other prospective members were requested by the Attorney General. By letter dated June 30, 1965, the Director stated that he was favorably disposed toward Powell and certain other individuals proposed because they are dedicated to the best interest of law enforcement and are highly respected for their dignity and integrity.

It is noted that in March, 1964, one Dr. [redacted] University of Michigan, addressed a Conference on National Organizations at Chicago, Illinois, during which he belittled the communist threat by referring to [redacted] and his statement that "There are only 8,000 communists in the United States, 1,500 of whom are planted FBI Agents." b6 b7C

According to our source, [redacted] Powell spoke to this group on the following day and, using Dr. [redacted] as his authority, allegedly repeated the [redacted] statement in his banquet address. b6 b7C

It was recommended and approved that this matter be taken up with Powell by Inspector H. L. Edwards, who knows Powell personally, to determine the circumstances involved in this matter.

By personal letter dated April 7, 1964, Inspector Edwards communicated with Powell concerning the matter and furnished public source data concerning [redacted] In a personal letter to Inspector Edwards dated April 9, 1964, Mr. Powell expressed surprise that anyone thought he was favorably impressed by Dr. [redacted] reference to the FBI. He went on, "I did 'ad lib' a reference to Dr. [redacted] statement about the 'maintenance of internal order.' I must have been too subtle for your informant as my intention was certainly not to compliment either Dr. [redacted] or imply in the slightest my approval of what he said. Instead, although my reference was extremely incidental, I intended to belittle what Mr. [redacted] had said." Mr. Powell went on to express his appreciation that the matter had been brought to his attention. b6 b7C

January 16, 1967

62-109348-9

REC-16

EX-104

8-

Honorable Lewis Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

I have received your letter of January 11th and want to thank you for your thoughtfulness in writing and best wishes for 1967. I hope the New Year will bring you all of life's blessings.

I am pleased you found my summary of our accomplishments to be of interest and to know Mr. DeLoach's participation in the Crime Commission meetings has been helpful. Your expression of confidence in the FBI and favorable comments are appreciated.

Sincerely yours,

J. Edgar Hoover

NOTE: Correspondent is on the Special Correspondents' List.

BGH:jeg (3)

jeg

REC-D MICK
FBI

MAILED 3
JAN 16 1967
COMM-FBI

REC-D MICK
FBI

FBI
REC-D DE LOACH

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Tele. Room
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Gandy

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53 JAN 25 1967

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TELEPHONE (703) 643-0141
CABLE ADDRESS: HUNTWAND

WASHINGTON, D. C. OFFICE
913 UNION TRUST BUILDING
TELEPHONE (202) 638-2112

January 11, 1967

FILE NO.

EXP PROC.
JAN 12 1967

Dear Mr. Hoover:

I have read with much interest the release on your report to Acting Attorney General Clark, covering accomplishments of the FBI during 1966.

This is indeed a record of conspicuous achievement. If all of our law enforcement agencies were as effective as the FBI, I am confident that our crime problem would be far less menacing.

I was glad to see Deke DeLoach continue his attendance at meetings of the Crime Commission. He provided most helpful information, and was an able representative of the FBI.

With best wishes for 1967, I remain

Sincerely,

Lewis Powell

Lewis Powell

Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

24/167

REC-16 62-109348-9
EX-104
18 JAN 17 1967

Mailing List
1-13-67
Change Noted

CORRESPONDENCE
DEPS. REC. UNIT

4-572 (Rev. 7-18-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 10-27-67

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages S15356-S15358. Senator Talmadge, (D) Georgia, advised that an address by Lewis F. Powell, Jr., former president of the American Bar Association, entitled "Civil Disobedience: Prelude to Revolution?" was reprinted in the current issue of U. S. News & World Report. He placed this address in the Record. Mr. Talmadge stated Mr. Powell takes as his theme the wave of civil disobedience which has swept the country in recent years, and which I regard as one of the most critical problems facing America today. - - - - Mr. Powell is to be commended for his outstanding discussion of this problem, and I was particularly impressed by the fact that his well-documented address calls names and places blame where I believe blame belongs. Mr. Powell stated in his address As J. Edgar Hoover (Director of the Federal Bureau of Investigation) has said: 'Those who espouse the theory of civil disobedience and authorities who free guilty violators must share a portion of the blame and responsibility for the turmoil in our streets.'

Original filed in: 66-1731-3177

62-109348-

NOT RECORDED
128 NOV 3 1967

In the original of a memorandum captioned and dated as above, the Congressional Record for 10-26-67- was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

59 NOV 14 1967

REC- 96
62-109348-10

December 26, 1968

Honorable Lewis Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

It was most thoughtful of you to write on December 18th regarding the action of President-elect Nixon in reappointing me Director of the FBI. Your congratulations are deeply appreciated.

I am pleased to learn you find the material we distribute from time to time to be of continuing interest and to have the opportunity to read the copy of your speech.

With best wishes for a very enjoyable Holiday Season,

Sincerely yours,

J. Edgar Hoover

NOTE: Correspondent is on the Special Correspondents List. His enclosure is a copy of a speech he delivered about the activities of the New Left. He quotes a portion of the Directors' message from the 9-68 LEB on page 5.

JBT:sam (3)

Tolson
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Mohr
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Casper
Callahan
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Tele. Room

MAILED 4
DEC 27 1968
COMM-FBI

79 JAN 27 1969

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b7C
b6

THOMAS BENJAMIN GAY
EPPA HUNTON, IV
GEORGE D. GIBSON
ARCHIBALD G. ROBERTSON
LEWIS F. POWELL, JR.
PATRICK A. GIBSON
H. BRICE GRAVES
H. MERRILL PASCO
RALPH H. FERRELL, JR.
JOHN W. RIELY
FRANCIS V. LOWDEN, JR.
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WALTER F. WITT, JR.
EDWARD MAGUIRE
CONRAD M. SHUMADINE
GUY T. TRIPP, III
LEE F. DAVIS, JR.
GEORGE K. WALKER

WASHINGTON, D. C. OFFICE
FEDERAL BAR BUILDING WEST
1819 H STREET, N.W. 20006
TELEPHONE (202) 223-5696

FILE NO.

December 18, 1968

Dear Mr. Hoover:

It was with great satisfaction that I read the news of your reappointment by President-Elect Nixon.

I write to congratulate you, and particularly the Federal Bureau of Investigation and our country on this good news. Few men in history have served their country so well over so long a period of time.

I continue to read with great interest your editorials in the FBI Bulletins. I also make good use of them in speeches which I continue to make from time to time. The enclosed address was delivered to the annual meeting of the American Association of State Colleges and Universities. You will note, on page 5, that I quoted you.

REC- 96 62-109348-10

With my best wishes.

16 JAN 16 1969

Sincerely,

1- ENCLOSURE

ENCLOSURE ATTACHED

Lewis Powell

Lewis Powell

Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

51/167
Enc.

ack 12-26-68
JBT-

DEC 20 1968

#16

ENCLOSURE 62-109345-10

317

American Association of State
Colleges and Universities
Washington, D. C.
November 11, 1968
Lewis F. Powell, Jr.

A STRATEGY FOR CAMPUS PEACE

There always has been a sort of "open season" on college presidents. You have long been the target of the traditional pressures - from almuni, trustees, faculty, students and politicians. The college president also has been a man of distinction - an educator, a respected citizen and intellectual leader. This respected role in our society together with the satisfactions of educating the young, have made these traditional pressures endurable.

But in recent years new and disquieting pressures have arisen. The combination of the new and old have imposed unprecedented burdens upon the office of college president. It is today no less an honor to preside over an institution of higher learning, but it now has become an occupation hazardous to health of body and mind, as well as to reputation.

Resignations by college presidents are increasing, and the task of filling the vacancies is incomparably more

difficult. I am told that more than 100 respected colleges across the land are seeking chief executives.

In interviews recently published several nationally known presidents stated quite frankly that the satisfactions they had found in intellectual leadership were outweighed by the agonies of the office.

UCLA's Franklin Murphy commented that "you have to be sadistic to ask a man to stay on more than 10 years". Dr. Starr, upon resigning at Indiana - referred to the "bigots and the zealots" now seeking footholds on the campus. These are, he said:

> "The groups that are determined to destroy (you) and the university. They don't want solutions, just confrontations."*

Even the wives of college presidents - noted for their patience and long sufferance - are beginning to speak out. Mrs. Henry King Stanford, wife of Miami's president, commented that the only people who should be university presidents are the "friendless, the orphaned and bachelors."

Now before you feel too sorry for yourselves let me sound a more positive note. As one who has been close to

*Time, Sept. 27, 1968, pp. 55, 56.

education for many years, I still view it as perhaps the greatest professional calling. There is little hope for the future of this troubled world unless the educational process is in the hands of wise, dedicated and responsible men. I am here today because of this conviction, and - in deep sincerity - I commend each of you for your willingness to assume educational responsibility in this time of crisis.

My invitation to address you came last May, at the peak of the anarchy at Columbia. Your President suggested that I talk about the New Left on the campus - particularly from the viewpoint of a lawyer who has served also as a college trustee.

Prior to the SDS led assault on Columbia, and despite the clear warnings from Berkeley and other beseiged campuses, there had been a tendency to underestimate the militancy of the New Left. It had been fashionable to be tolerant, to temporize with sit-ins and lawless demonstrations and to grant amnesty even to the most disorderly. Much of the "liberal" establishment applauded the self-proclaimed idealism of New Leftist leaders, and ridiculed those who voiced concern.

The shock of Columbia may have had a therapeutic effect. Not only was a great university brought to its knees; but the

conduct of the radical students - the vandalizing of furniture, the rifling of Dr. Kirk's personal files, the burning of manuscripts, and the personal filth and obscenity of the rebels - all of this profoundly shocked decent people across our country.

But the New Left was neither dismayed nor deterred by the public reaction to Columbia. As revolutionaries, the New Leftists are as contemptuous of public opinion as they are of what they call the Establishment. Mark Rudd, the SDS leader, has publicly boasted of its goal "to create many more Columbias" - following the strategy advocated by Che Guevara.*

A school was conducted in New York last summer, called the Liberation School, for the training of young radicals in revolutionary strategy and tactics on the campus. A reporter who infiltrated the school wrote that the students - totaling perhaps 500 persons - were taught a curriculum ranging from karati to the thoughts of Mao Tse-tung.**

The goals of the New Left are first to disrupt and then to destroy our most cherished democratic institutions -

*Richmond News-Leader, June 22, 1968.

**The National Observer, July 22, 1968, article by John Peterson.

our system of higher education and our representative form of government. As stated in an article in the New Republic "(the New Left's) purpose is to destroy the institutions of the American establishment."*

J. Edgar Hoover, whose FBI is responsible for the internal security of our country, has warned that "revolutionary terrorism" on the campus "is a serious threat both to the academic community and to a lawful and orderly society." Mr. Hoover stated that the New Left, led by SDS, "plans to launch a widespread attack on educational institutions" - an attack which could bring "revolutionary terror" to the college campus.** The strategic plan of the New Left, according to FBI investigation, is:

> "To smash first our educational structure, then our economic system, and finally our government itself."***

The Washington Post, not always in accord with Mr. Hoover, and rarely alarmist in its editorial policy, has also warned:

---

*Washington Post editorial, May 14, 1968, quoting article in New Republic.

**New York Times, Sept. 1, 1968.

***FBI Law Enforcement Bulletin, Sept. 1968 issue; New York Times, Sept. 1, 1968.

> "The (New Leftists) . . . regard the universities as the soft spot in a society they are trying to bring down. . . . The rebels are out of touch with and do not understand the principles of democracy. . . . The language they talk is that of anarchy. . . . They are totally at war with everything this country has ever stood for."*

What is the New Left? There is no single, monolithic organization as such. The term is loosely used to include a conglomeration of organizations, groups and individuals. The most radical organizations include Students for Democratic Society (SDS), W.E.B. DuBois Clubs, Young Socialist Alliance, Socialist Workers Party, Student Nonviolent Coordinating Committee (SNCC) and Progressive Labor Party.** Militant Negro groups, such as the Black Panthers, often participate.

Although many of the organizations are Communist oriented or supported, the dominant philosophy of the New Left is nihilistic - advocating no coherent system of social, political or educational institutions to replace the system the New Left seeks to destroy.

---

*Washington Post, May 14, 1968. A student publication at the University of California, The Berkeley Barb, states the New Leftist view as follows: "The universities cannot be reformed; they must be abandoned or closed down. They should be used as bases for action against society, but never taken seriously." New York Times Magazine Section, May 18, 1968, p. 104.

**Gene E. Bradley, What Businessmen Need to Know about the Student Left, Harvard Business Review, Sept. Oct. 1968, p. 54.

The principal threat to campus peace comes from the defiant SDS organization. Founded in 1962, it now claims 250 chapters and a membership of 35,000. Its inner circle of hard core revolutionaries may not exceed 1,000.

But the capabilities of SDS cannot be related to its numbers. It has been estimated that its activist leaders have a capacity "to mobilize between 100,000 and 300,000 students, depending on the issue."* SDS not only sets the pace for other New Left organizations; it often attracts thousands of nonrevolutionary students who, motivated by naive idealism and taken in by the slogans, could become - quite unwittingly - the shock troops of revolution.

We have seen this at Columbia where sympathizing students far outnumbered the New Leftists. We have seen it more recently in the Chicago confrontation between the police and the thousands of young people who attempted to disrupt the Democratic convention.

This audience knows - far better than most - that the greatest care must be exercised to distinguish between the revolutionaries and the vast majority of students and faculty

*Bradley, supra p. 54.

members who - like society in general - are really the victims of the New Leftists.

It would also be folly not to recognize that students often do have legitimate grievances, especially on the larger campuses. The Cox Commission, reporting on the Columbia revolt, was as critical of the administration, trustees and faculty as it was of the students and the police. The Commission found that conditions at Columbia were almost as bad as the students had claimed.*

It is this combination of valid grievances, plus the widespread disenchantment and alienation of the young,** that produces an environment quite hospitable to ferment. The problem, thus, is by no means confined to the New Left. Rather, it is what a few determined leftists can do to inflame and mislead other students - especially where responsible student opinion is ignored, communications are poor, ground rules

*New York Times, Oct. 13, 1968 (The Week in Review E3).

**There can be no doubt that such disenchantment and alienation do exist among millions of fine young people. The identification and amelioration of the causes of these attitudes profoundly concern thoughtful college administrators.

are ill defined,* and policy is vacillating and irresolute.

* * * * *

I will now talk briefly about three areas of special sensitivity: (i) participation in decision making; (ii) the role of faculties; and (iii) academic freedom. Each of these poses difficult questions to which there are no easy or unequivocal answers.

The demand for student participation in decision making ranges all the way from membership on boards of trustees to selection of presidents and faculty and determination of curriculum. If the full sweep of this demand were met, the present structure of higher education in America would be dismantled and replaced by the type of student power found in many Latin American universities. You may have seen the recent article on San Marcos, Peru's largest university, where the history department was simply closed down. Students, controlling

*The importance of clearly defined rules and regulations, with the penalties for infraction, can hardly be over-emphasized. This is especially true as to the difference between legitimate and wholesome exercise of free speech and peaceful assembly, as contrasted with unlawful conduct which will not be tolerated. For helpful guidelines in the drafting of regulations, see Freedom and Order on Campus, an unpublished memorandum of the American Council of Education; and Van Alstyre, The Judicial Trend Toward Student Academic Freedom, 20 U. Fla.L. Rev. 290, 298 (1968).

one-third of the university's governing board, actually dominate decision making by methods of raw coercion.*

No responsible college administrator or board of trustees can accede to this type of demand. The student body is necessarily transitory, changing from year to year. Nor does the wisdom of student leaders always match their own conviction of infallibility. For these obvious reasons, the role and responsibility of students can never equate that of faculty, administration or trustees.

Yet student views are entitled to be voiced and seriously considered; appropriate channels must be devised to accomplish this; and a far greater effort made to make these channels meaningful. The wise administrator will work these out, with faculty and student participation, in advance of campus trouble. All of this must have substance, and reflect a genuine desire to reach accommodation with responsible student views.

But it must ever be remembered that no such program - however reasonable - will mollify the radicals. Their objective

*Bowen Northrup, staff reporter of the Wall Street Journal, article on "Campus Politics" at San Marcos, Vol. CLXXII, No. 67, October 1968.

is revolution; not reform. The experience at Columbia demonstrates that SDS simply escalates its demands as concessions are made.* The hope must be, not to placate the radicals, but to build a broad base of support among students in the main stream of campus life.

Another frequently voiced grievance relates to the faculty - often a justified cause for dissatisfaction. You may have seen the recent essay by John Fischer, published in Harper's.** He thinks the primary cause of student unrest is faculty failure rather than agitation by New Leftists, the malaise of the Vietnam war, or disillusionment with our "materialistic society". This audience may be surprised - perhaps even pleased - to know that Mr. Fischer blames the faculties far more than the administrators. He cited Irvin Kristol for the view that in most universities "liberal education is extinct"; that many faculty members have become a new privileged class - more concerned with their own income, influence and careers

*New York Times, Sept. 22, 1968 (article by John Kifner).

**John Fischer, "The Case for the Rebellious Students and their Counter-revolution", Harper's, Aug. 1968.

than with teaching and counselling their students.*

Mr. Fischer has probably overstated and oversimplified his case. Yet there can be little doubt that he has identified one of the most intractable problem areas - especially in the large university.

Dr. John A. Logan, Jr., President of Hollins College, has voiced a somewhat similar view:

> "Few laymen and even fewer students fully appreciate the power exercised by faculties today in a great university. They are in effective control of the curriculum, of faculty appointments and promotions, the requirements for earned degrees, admission standards, grading systems and academic rules and regulations, all conditions affecting academic freedom and tenure, and much of the planning and design of academic buildings. Student resentment against trustees and administrations is often misdirected, since much of the unrest is a protest, conscious or unconscious, against unfulfilled expectations about college teaching. To the extent that the faculty has downgraded the teaching function in favor of research and has become overspecialized, they have neglected their essential function in undergraduate educa-

*In contrasting the relative shift of power from the university administration to its faculty, Mr. Fischer states: "Students are inclined to attack the administration because the ostensible authority seems to rest with the president and the trustees. Few undergraduates yet realize how much of the administration's former power has now shifted into the hands of the faculty."

> tion, which is to illuminate the good life by precept and example, to communicate sympathetically to their students a sense of purpose, and their own values and intellectual discipline."*

On certain campuses, when discord has threatened to weaken if not destroy the institution, the mounting faculty power has not been accompanied by an equal sense of responsibility. Indeed, support of the New Left by faculty members has not been insignificant, with far too many condoning or encouraging student disorders and civil disobedience.

Erwin N. Griswold, Solicitor General of the United States and former Dean of Harvard Law School, spoke recently of the violence at Columbia and its toleration by so many faculty members. Dean Griswold expressed my own deeply-held views when he said:

> "The only persons for whom I have more contempt than for the student groups (which created the discord) are the faculty members who lent support to them."**

The problem is to stimulate faculty responsibility commensurate with its now awesome power. The problem is

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*Commencement address, Medical College of Virginia, June 1, 1968.

**Erwin N. Griswold, Address before Virginia State Bar Association, July 6, 1968.

complicated by two of the most "untouchable" concepts in American life - academic freedom and academic tenure. Because both concepts are sound in principle - and are defended blindly and ferociously - few are bold enough to raise even the most restrained voice of analysis or doubt.

It seems to me the time has come for persons concerned with American education to understand that neither concept is so sacrosanct as to be above rational criticism.

I will cite three examples to illustrate the extremism which is often cloaked as academic freedom. Yale belatedly mustered the courage not to re-employ Prof. Staughton Lynd, after his unlawful trip to Hanoi and his heavy involvement with the New Left. More recently, New York University dismissed radical Prof. John F. Hatchett, after he had attacked Jewish teachers and publicly characterized Vice President Humphrey and Mr. Nixon as "racist bastards".*

The Berkeley campus is again in ferment over the case of Eldridge Cleaver, a convicted felon, a black racist, and a leader of the militant Black Panther Party.** With approval of

*New York Times, Oct. 13, 1968; Chicago Sun-Times, Oct. 12, 1968.

**For a summary of Cleaver's lurid and revolutionary career, see Washington Report of American Security Council, Nov. 11, 1968, guest editorial by Dr. Charles R. Kelley.

an irresponsible faculty committee, Cleaver was invited to give a series of 10 lectures on racism. The California Board of Regents, in a stormy session and by a divided vote, overruled the faculty committee - limiting Cleaver to one lecture for credit. The faculty, supinely bowing to student demands, then approved 10 Cleaver lectures without credit. This has resulted in sit-ins, obscenities and disorders.*

A situation similar to that at Berkeley is developing at San Francisco State College. The issue at first was whether Murray, a Black Panther lecturer who advocated the carrying of guns by students, should be dismissed. Radical students, with significant faculty support, have resorted to shocking violence and vandalism.**

In these, and like cases, the cry of academic freedom is predictably always raised.*** Hatchett charged NYU with violating "every principle of academic freedom". Students and some faculty members at Berkeley have accused the Regents of making a decision in the Cleaver case

*New York Times, Oct. 24, 1968.

**See Miami Herald, Nov. 11, 1968. See also Washington Report, supra.

***Washington Post, Oct. 13, 1968.

"essentially racist in character and in volation of academic freedom".* This familiar pattern is now being followed at San Francisco State.

The question in simplest terms is whether responsible educators will continue to allow "academic freedom" to be used as a cover for extremism on the campus, however violent or irrational? In reality what is called "academic freedom" often approaches license without limit. Where tenure exists, it is

*Washington Post, Oct. 13, 1968.

virtually impossible to exercise restraint of any kind on such license beyond that vaguely, and often ineffectually, imposed by the mores of a particular campus.

As a lawyer, I subscribe wholeheartedly to the basic freedoms embodied in the concept of academic freedom. No one devoted to the educational process could entertain a different view. But the very existence of this freedom - virtually unrestrainable - imposes a higher degree of responsibility than that often manifested on our campuses.

The quality of education depends upon the wise exercise of value judgments, especially in the selection, retention and promotion of those who teach. One may doubt that a Black Panther leader, a convicted felon, is qualified to bring anything worthwhile to the campus. If it is said that he knows much about racial hatred, it can also be said that a Mafia leader knows much about vice and extortion, and that the Grand Dragon of the Klan knows much about bigotry.

Should the faculties of our great universities, dedicated to ideals of high scholarship and the search for truth, be demeaned by conspiring extremists who would defile and destroy the very freedoms they invoke? Are our campuses to

become Hyde Parks and Times Squares, where a soap box is provided for every huckster?*

The time has come for responsible educators to be far more discriminating in the selection of professors and lecturers, and especially in the granting of tenure. The important qualifications of a professor - possessed, I am sure, by a great majority of this privileged profession - are still the ancient ones of honor, integrity, scholarship, intellectual independence, responsibility and a genuine desire to teach.** The extremist who scorns these qualifications, whether he be of the right or the left, has no proper place on the faculty or - indeed - in the student body of an institution of learning.

* * * * *

*A distinction should be drawn between faculty membership as a professor or lecturer, and the casual visitng speaker. A broad spectrum of dissident views can be brought to a campus without conferring on an extremist the accolade of "faculty member" or "lecturer". But some value judgments should be exercised even as to the casual campus speaker.

**As President Robert E. R. Huntley of Washington and Lee University, put it in his inaugural address (Oct. 18, 1968): "There is no higher goal to which a scholar can aspire than to be a vital teacher of young men."

There is, among all of us genuinely concerned with education, a broad consensus as to traditional campus liberalism: Our colleges and universities must ever be preserved as citadels of free inquiry. They must always foster and encourage - and never suppress - the freedom of both faculty and students to express divergent views, to protest injustice, and to promote social change in which they believe.

Yet this high purpose of the university surely will be frustrated if current trends toward license, discord and even anarchy on the campus are not checked. Reversing these trends will require the highest level of courage and statesmanship from college administrators, faculties and trustees. There must be a revitalizing of discipline, honor and intellectual integrity on the campus, just as such a need exists so urgently for society in general.

The line must be drawn - sharply and resolutely - between those willing to observe traditional methods of peaceful assembly, rational discussion and orderly procedures, and those who inspire and lead the sit-ins, the lawless demonstrations, and other forms of coercion. The latter are usually

the New Leftists on the campus and their followers. Like their heroes Che Guevara, Fidel Castro and Ho Chi Minh, the only language they understand is force. Such student extremists, and the faculty members who support them in their lawlessness, have forfeited any right to remain as members of a university community. The sooner they are expelled from student bodies and dismissed from faculties, the sooner our campuses will resume their historic roles as centers of reason and intellectual pursuit.*

* * * * *

Now a concluding word: It is important to understand that there is a close relationship between the discord on the campus and lawlessness in the streets. There is abroad in this country an escalating unrest which has led to unprecedented crime, civil disobedience and disrespect for law

*But it must be remembered that students, however obnoxious, cannot be suspended or expelled without cause. Accused students are also properly entitled to due process. See Van Alstyre, supra p. 295-96; see also Comment, Private Government on the Campus - Judicial Review of University Expulsions, 72 Yale L.J. 1362 (1963); Esteban v. Central Missouri State College, 277 F. Supp. 649 (1967); Jones v. State Board of Education, 279 F. Supp. 190 (1968); Hammond v. So. Carolina State College, 272 F. Supp. 947 (1967); Goldberg v. Regents of U. of Calif., 57 Cal. Repts. 463 (1967).

and due process. As others have noted, we are also witnessing a pervasive permissiveness - on the campus, in the churches, the homes and in our political institutions. Ancient standards of morality, decency and good taste have crumbled; concepts of duty, patriotism and responsibility are often subordinated. Some of the most respected values of western civilization are under virulent attack.

The causes of this disintegration and disarray are complex and deep seated. Some are related to the pressing needs in this country and world-wide. No thoughtful person would minimize the seriousness of these needs - for improved job and educational opportunities for all, for equal justice, for more effective means of participation in the democratic process, and - perhaps above all - for assurance of peace in the nuclear age.

But it must be evident that none of the grave problems of our time can be solved unless we first preserve an ordered society in which law is again respected and due process observed. This is as true on the college campus as it is in society in general. This, it seems to me, is a first and overriding duty of all of us privileged to share some responsibility for higher education in this country.

G 14

HUNTON, WILLIAMS, GAY, POWELL & GIBSON
700 EAST MAIN STREET P.O. BOX 1535
RICHMOND, VIRGINIA 23212
TELEPHONE (703) 643-0141
CABLE HUNTWAND

WASHINGTON, D.C. OFFICE
FEDERAL BAR BUILDING WEST
1819 H STREET, N.W. 20006
TELEPHONE (202) 223-5696

September 5, 1970

FILE NO.

Lewis F. Powell

Dear [redacted] b6 b7C

Thank you for your letter of September 1. I had read in the press of your assignment to New Orleans.

While you will certainly be missed here, I am sure this is a deserved promotion.

There are two Federal Court of Appeals Judges based in New Orleans who are friends of mine: Judge John Wisdom and Judge Robert Ainsworth. You may have an opportunity to see them.

I know a number of lawyers in New Orleans, and if an introduction from me would ever be of assistance, please let me know.

I appreciate your many courtesies while you were in Richmond. Your service here was outstanding.

Sincerely,

b6 b7C

ST-121

Lewis F. Powell

Mr. [redacted]
Federal Bureau of Investigation
P. O. Box 12325
Richmond, Virginia 23241

REC-2

62-109348-11

Mailing List Change Noted 9-11-70

15 SEP 1970

51/167

bc: Hon. J. Edgar Hoover

We are sorry to lose Special Agent [redacted] who has made a very fine impression in Richmond.

L.F.P., Jr.

L.F.P.

CORRESPONDENCE

EXP. PROC.

SCL

REC-2

September 14, 1970

ST-121 62-109348-11

Honorable Lewis F. Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

I have received the copy of your letter of September 5th that you sent to Mr [redacted] It was good of you to comment as you did about him and his assignment in New Orleans. He shares my thanks for your thoughtfulness in writing.

b6
b7C

Sincerely yours,
J. Edgar Hoover

MAILED 8
SEP 14 1970
COMM-FBI

1 - New Orleans
Personal Attention SAC

1 - Richmond - Enclosure
Personal Attention SAC

NOTE: Mr. Powell is on the Special Correspondents List. Judge John Wisdom and Judge Robert Ainsworth are on the mailing list to receive the Law Enforcement Bulletin.

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55 SEP 25 1970

MAIL ROOM ☐ TELETYPE UNIT ☐

November 20, 1970

REC-69 62-109348-12

PERS. REC. UNIT

Honorable Lewis F. Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

I have seen a copy of the letter you sent DeLoach regarding our 1970 Annual Report, and I want you to know how very much I appreciate your kind comments. My associates and I certainly hope our efforts will continue to merit your support and confidence.

In response to your request, I am making arrangements to insure [redacted] will receive material released by this Bureau from time to time. b6 b7C

Sincerely yours,

J. Edgar Hoover

MAILED 24
NOV 20 1970
COMM-FBI

NOTE: Mr. Powell is on the Special Correspondents Mailing List. He is a former President of the American Bar Association and we have enjoyed cordial relations with him. Bureau files contain no derogatory information concerning [redacted] who has been added to the Special Correspondents Mailing List. b6 b7C

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JH:mbk
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MAIL ROOM ☐ TELETYPE UNIT ☐

November 12, 1970

8

Mr. Lewis Powell
Hunton, Williams, Gay, Powell & Gibson
700 East Main Street
Richmond, Virginia 23212

Dear Lewis:

Thank you for your letter of November 1st concerning the FBI's 1970 Annual Report.

I thought you might like to know that I retired from the FBI effective July 20, 1970, and am now serving as Vice President of Corporate Affairs, PepsiCo, Inc. I disliked leaving FBI service after 28 years, however, in view of my eligibility for retirement, I thought I should accept a position in private industry which would be of greater financial benefit to my family and me. I have enjoyed our relationship for many years and hope that we can continue our correspondence and exchange of mutual viewpoints.

I am taking the liberty of sending a copy of your letter and my reply to Thomas E. Bishop, Assistant Director, Federal Bureau of Investigation, Washington, D. C. 20535. Mr. Bishop is in charge of the Crime Records Division, which edits such publications as the FBI Annual Report. I am certain he will be glad to be of assistance if at all possible.

109348

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ST 102

If you are ever in the New York area, please stop by our new offices in Purchase. I would be more than happy to show you around.

Sincerely,

C. D. DeLoach

Mailing List
Change Noted
11-18-70

Let to Lewis F. Powell (SCL) 11/20/70

1 - Mr. Thomas E. Bishop

Tom: I am certain that files will reflect Mr. Powell is an outstanding American and that he has been most favorably disposed toward Mr. Hoover and the FBI for many years. He was formerly the President of the American Bar Association and later served for approximately 18 months on the Presidential Crime Commission. He was very helpful to FBI representatives during this period of time.

PERS. REC. UNIT

HUNTON, WILLIAMS, GAY, POWELL & GIBSON
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RICHMOND, VIRGINIA 23212
TELEPHONE (703) 643-0141
CABLE HUNTWAND

WASHINGTON, D.C. OFFICE
FEDERAL BAR BUILDING WEST
1819 H STREET, N.W. 20006
TELEPHONE (202) 223-5696

[redacted] b6 b7C See me

FILE NO.

November 1, 1970

Dear Deke:

The 1970 annual report of the FBI reached me last week, and I have just had an opportunity to take a look at it.

It is both frightening and inspiring - the latter because of the splendid work done by the FBI.

My [redacted] is now at Washington and Lee University. b6 b7C
He is a young person with a basically moderate philosophy who believes strongly in America and our system of freedom under law. He, like his father, admires the work of the FBI, and I write to ask whether he could be added to your mailing list to receive monthly and annual reports?

If so, they should be sent to him as follows:

[redacted] b6 b7C

Lexington, Virginia 24450

It has been much too long since I had the pleasure of seeing you.

With warm best wishes,

Sincerely,

Lewis

Hon. C. D. DeLoach
Assistant Director
Federal Bureau of Investigation
Washington, D. C.

62-109348 12

51/167

ENCLOSURE

The Attorney General

April 27, 1971

Director, FBI

HONORABLE LEWIS F. POWELL, JR.
RICHMOND, VIRGINIA

Enclosed is a copy of a letter I received from the Honorable Lewis F. Powell, Jr., who is a former President of the American Bar Association. He comments most favorably regarding the FBI and my direction of it.

Enclosure

1 - The Deputy Attorney General - Enclosure

1 - Mr. M. A. Jones - Enclosure (detached)

GEM:nb (6)

ST-115

REC-41 62-109348-13

APR 28 1971

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FBI

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April 27, 1971

62-109348-14

REC-95

Honorable Lewis F. Powell, Jr.
700 East Main Street
Richmond, Virginia 23212

Dear Mr. Powell:

Your letter of April 19th has been received and I thank you for your thoughtfulness. I am indeed grateful for your support and hope my future endeavors continue to merit your confidence.

Sincerely yours,

J. Edgar Hoover

MAILED 12
APR 27 1971
FBI

NOTE: Mr. Powell is on the Special Correspondents' List and is a former President of the American Bar Association. By memorandum 4-27-71, a copy of correspondent's letter is being furnished the Attorney General.

DCL:cae (3)

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MAIL ROOM ☐ TELETYPE UNIT ☐

LEWIS F. POWELL, JR.
ELECTRIC BUILDING
RICHMOND, VIRGINIA

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CD
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

700 East Main Street
Richmond, Virginia 23212
April 19, 1971

Dear Mr. Hoover:

This is merely to say that I deplore the personal attacks now being made on you by some politicians and in some of the media.

It is inevitable, in a free society and with respect to one in your position, that there will be criticism and complaints. No one would wish to shut those off in our democracy. But it is quite something else for unfounded and, as I view them, quite irresponsible charges to be made against one who has served his country with such dedication, devotion and distinction as you have over so many years.

I consider you to be a great American.

Sincerely,

Lewis F. Powell

EXP. PRES.

REC. 95

Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

51/167

62-109348-14

28 APR 20 1971

CORRESPONDENCE

August 12, 1971

Honorable Lewis F. Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

I have read your article entitled "Civil Liberties Repression: Fact or Fiction" which appeared in the Richmond Times-Dispatch and have noted that Congressman Scott had it inserted in the Congressional Record of August 6th. I am indeed appreciative of your having set the record straight. In trying times like these, it is most heartwarming to read an article such as yours which brings the facts out in an honest, straightforward manner.

REC 25 62 — 109-4X-15

Sincerely yours,
J. Edgar Hoover

EX-114

MAILED 9
AUG 13 1971
FBI

AUG 17 1971

b6
b7C [redacted]

1 - Richmond

1 - Mr. M. A. Jones - Enclosure (detached)

NOTE: The article is extremely well done and supports the Bureau in a straightforward manner. Mr. Powell is on the Special Correspondents List and is a former President of the American Bar Association. Our last outgoing was 4-27-71 thanking him for his support.

1 SEP 1 1971 ENCLOSURE

JWD:gar (6)

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Congressional Record
Extension of Remarks
August 6, 1971
E9046 - E9047 - E9048

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCOTT. Mr. Speaker, I strongly recommend the following article to my colleagues by one of Virginia's best known and highly respected lawyers, Lewis F. Powell, Jr., of Richmond. Mr. Lewis is a former president of the American Bar Association, a former chairman of our State Board of Education, and a member of the panel named by the President to study the Department of Defense.

The article appeared in the Richmond Times Dispatch and is a timely and scholarly discussion of civil liberties in our day. I commend it to you:

CIVIL LIBERTIES REPRESSION: FACT OR FICTION

(By Lewis F. Powell Jr.)

At a time when slogans often substitute for rational thought, it is fashionable to charge that "repression" of civil liberties is widespread. This charge—directed primarily against law enforcement—is standard leftist propaganda. It is also made and widely believed on the campus, in the arts and theater, in the pulpit, and among some of the media. Many persons genuinely concerned about civil liberties thus join in promoting or accepting the propaganda of the radical left.

A recent syndicated article by AP writer Bernard Gavzer, cited several such persons. According to Prof. Charles Reich of Yale, America "is at the brink of . . . a police state" Prof. Allan Derswhowitz of Harvard decries the "contraction of our civil liberties."

The charge of repression is not a rifle shot at occasional aberrations. Rather, it is a sweeping shotgun blast at "the system," which is condemned as systematically repressive of those accused of crime, of minorities and of the right to dissent.

Examples ritualistically cited are the "plot" against Black Panthers, the indictment of the Berrigans, the forthcoming trial of Angela Davis and the mass arrests during the Washington Mayday riots.

The purpose of this article is to examine, necessarily in general terms, the basis for the charge of repression. Is it fact or fiction?

There are, of course some instances of repressive action. Officials are sometimes overzealous; police do employ unlawful means or excess force; and injustices do occur even in the courts. Such miscarriages occur in every society. The real test is whether these are episodic departures from the norm, or whether they are as charged part of a system of countenanced repression.

The evidence is clear that the charge is a false one. America is not a repressive society. The Bill of Rights is widely revered and zealously safeguarded by the courts. There is in turn no significant threat to individual freedom in this country by law enforcement.

Solicitor General Griswold, former dean of the Harvard Law School and member of the Civil Rights Commission, recently addressed this issue in a talk at the University of Virginia. He stated that there is greater freedom and less repression in America than in any other country.

So much for the general framework of the debate about alleged repression. What are the specific charges?

The attack has focused on wiretapping. There seems almost to be a conspiracy to confuse the public. The impression studiously cultivated is of massive eavesdropping and snooping by the FBI and law enforcement agencies. The right of privacy, cherished by all, is said to be widely threatened.

Some politicians have joined in the chorus of unsubstantiated charges. Little effort is made to delineate the purposes or the actual extent of electronic surveillance.

The facts, in summary, are as follows: The Department of Justice employs wiretapping in two types of situations: (i) against criminal conduct such as murder, kidnapping, extortion, and narcotics offenses; and (ii) in national security cases.

Wiretapping against crime was expressly authorized by Congress in 1968. But the rights of suspects are carefully safeguarded. There must be a prior court order, issued only upon a showing of probable cause. The place and duration are strictly controlled. Ultimate disclosure of the taps is required. There are heavy penalties for unauthorized surveillance. Any official or FBI agent who employes a wiretap without a court order in a criminal case is subject to imprisonment and fine.

During 1969 and 1970, such federal wiretaps were employed in only 309 cases. More

Let to Powell
8-12-71
JWD: gar

ENCLOSURE

62 — 109347 15

than 900 arrests resulted, with some 500 persons being indicted—including several top leaders of organized crime.

The government also employs wiretaps in counter-intelligence activities involving national defense and internal security. The 1968 Act left this delicate area to the inherent power of the president.

Civil libertarians oppose the use of wiretapping in all cases, including its use against organized crime and foreign espionage. Since the 1968 Act, however, the attack has focused on its use in internal security cases and some courts have distinguished these from foreign threats. The issue will be before the Supreme Court at the next term.

There can be legitimate concern whether a president should have this power with respect to internal "enemies." There is, at least in theory, the potential for abuse. This possibility must be balanced against the general public interest in preventing violence (e.g. bombing of Capitol) and organized attempts to overthrow the government.

One of the current myths is that the Department of Justice is usurping new powers. The truth is that wiretapping, as the most effective detection means, has been used against espionage and subversion for at least three decades under six presidents.

There may have been a time when a valid distinction existed between external and internal threats. But such a distinction is now largely meaningless. The radical left, strongly led and with a growing base of support, is plotting violence and revolution. Its leaders visit and collaborate with foreign Communist enemies. Freedom can be lost as irrevocably from revolution as from foreign attack.

The question is often asked why, if prior court authorization to wiretap is required in ordinary criminal cases, it should not also be required in national security cases. In simplest terms the answer given by government is the need for secrecy.

Foreign powers, notably the Communist ones, conduct massive espionage and subversive operations against America. They are now aided by leftist radical organizations and their sympathizers in this country. Court-authorized wiretapping requires a prior showing of probable cause and the ultimate disclosure of sources. Public disclosure of this sensitive information would seriously handicap our counter-espionage and countersubversive operations.

As Atty. Gen. John Mitchell has stated, prohibition of electronic surveillance would leave America as the "only nation in the world" unable to engage effectively in a wide area of counter-intelligence activities necessary to national security.

Apparently as a part of a mindless campaign against the FBI, several nationally known political leaders have asserted their wires were tapped or that they were otherwise subject to surveillance. These charges received the widest publicity from the news media.

The fact is that not one of these politicians has been able to prove his case. The Justice Department has branded the charges as false.

The outcry against wiretapping is a tempest in a teapot. There are 210 million Americans. There are only a few hundred wiretaps annually, and these are directed against people who prey on their fellow citizens or who seek to subvert our democratic form of government. Law-abiding citizens have nothing to fear.

In the general assault on law enforcement, charges of police repression have become a reflexive response by many civil libertarians as well as by radicals.

Examples are legion. Young people are being incited not to respect law officers but to regard them as "pigs". Black Panther literature, in the vilest language, urges the young to assault the police.

The New York Times and the Washington Post reported, as established fact, that 28 Panthers had been gunned down by police since January 1968. Ralph Abernathy attributed the death of Panther leaders to a "calculated design of genocide". Julian Bond charged that Panthers are being "decimated by police assassination arranged by the federal police apparatus." Even Whitney Young referred to "nearly 30 Panthers murdered by law enforcement officials."

These charges, upon investigation (by the New Yorker magazine, among others), turned out to be erroneous. The fact are that two—possible four at most—Panthers may have been shot by police without clear justification. Many of the 28 Panthers were killed by other Panthers. There is no evidence whatever of a genocide conspiracy.

But the truth rarely overtakes falsehood—especially when the latter is disseminated by prestigious newspapers. Million of young Americans, especially blacks, now believe these false charges. There is little wonder that assaults on police are steadily increasing.

The latest outcry against law enforcement was provoked by the mass arrests in Washington on May 3. Some 20,000 demonstrators, pursuant to carefully laid plans, sought to bring the federal government to a halt.

This was unlike prior demonstrations in Washington, as the avowed purpose of this one was to shut down the government. The mob attempted to block main traffic arteries during the early morning rush hours. Violence and property destruction were not insignificant. Some 39 policemen were injured. Indeed, Deputy Atty. Gen. Kleindienst has revealed that the leaders of this attack held prior consultations with North Vietnamese officials in Stockholm.

Yet, because thousands were arrested, the American Civil Liberties Union and other predictable voices cried repression and brutality. The vast majority of those arrested were released, as evidence adequate to convict a particular individual is almost impossible to obtain in a faceless mob.

The alternative to making mass arrests was to surrender the Government to insurrectionaries. This would have set a precedent of incalculable danger. It also would have allowed a mob to deprive thousands of law-abiding Washington citizens of their rights to use the streets and to have access to their offices and homes.

Those who charge repression say that dissent is suppressed and free speech denied. Despite the wide credence given this assertion, it is sheer nonsense. There is no more open society in the world than America. No other press is as free. No other country accords its writers and artists such untrammeled freedom. No solzhenitsyns are persecuted in America.

What other government would allow the Chicago Seven, while out on bail, to preach revolution across the land, vastly enriching themselves in the process?

What other country would tolerate in wartime the crescendo of criticism of government policy? Indeed, what other country would allow its citizens—including some political leaders—to negotiate privately with the North Vietnamese enemy?

Supreme Court decisions sanctify First Amendment freedoms. There is no prior restraint of any publication, except possibly in flagrant breaches of national security. There is virtually no recourse for libel, slander or even incitement to revolution.

The public, including the young, are subjected to filth and obscenities—openly published and exhibited.

The only abridgement of free speech in this country is not by government. Rather, it comes from the radical left—and their bemused supporters—who do not tolerate in others the rights they insist upon for themselves.

Prof. Herbert Marcuse of California, Marxist idol of the New Left, freely denounces "capitalist repression" and openly encourages revolution. At the same time he advocates denial of free speech to those who disagree with his "progressive" views.

It is common practice; especially on the campus, for leftists to shout down with obscenities any moderate or conservative speaker or physically to deny such speaker the rostrum.

A recurring theme in the repression syndrome is that Black Panthers and other dissidents cannot receive a fair trial.

The speciousness of this view has been demonstrated recently by acquittals in the New Haven and New York Panther cases—the very ones with respect to which the charge of repression was made by nationally known educators and ministers.

The rights of accused persons—without regard to race or belief—are more carefully safeguarded in America than in any other country. Under our system the accused is presumed to be innocent; the burden of proof lies on the state; guilt must be proved beyond reasonable doubt; public jury trial is guaranteed; and a guilty verdict must be unanimous.

In recent years, dramatic decisions of the Supreme Court have further strengthened the rights of accused persons and correspondingly limited the powers of law enforcement. There are no constitutional decisions in other countries comparable to those rendered in the cases of Escobedo and Miranda.

Rather than "repressive criminal justice," our system subordinates the safety of society to the rights of persons accused of crime. The need is for greater protection—not of criminals but of law-abiding citizens.

A corollary to the "fair trial" slander is the charge that radicals are framed and tried for political reasons. This is the world-wide Communist line with respect to Angela Davis. Many Americans repeat this charge against their own country, while raising no voice against standard practice of political and secret trials in Communist countries.

The radical left, with wide support from the customary camp followers, also is propagandizing the case of the Berrigans.

The guilt or innocence of these people remains to be determined by juries of their peers in public trails. But the crimes charged are hardly "political." In the Davis case a judge and three others were brutally murdered. The Berrigans, one of whom stands convicted of destroying draft records, are charged with plots to bomb and kidnap.

Some trials in our country have been politicized—but not by government. A new technique, recently condemned by Chief Justice Warren Burger, has been developed by the Kunstlers and others who wish to discredit and destroy our system. Such counsel and defendants deliberately seek to turn courtrooms into Roman spectacles—disrupting the trial, shouting obscenities and threatening violence. It is they—not the system—who demean justice.

The answer to all of this was recently given by former California Chief Justice Roger J. Traynor, who said:

"It is irresponsible to echo such demagogic nonsense as the proposition that one group or another in this country cannot get a fair trial. . . No country in the world has done more to insure fair trials."

America has its full share of problems. But significant or systematic government repression of civil liberties is not one of them.

The radical left—expert in such matters—knows the charge of repression is false. It is a cover for leftist-inspired violence and repression. It is also a propaganda line designed to undermine confidence in our free institutions, to brainwash the youth and ultimately to overthrow our democratic system.

It is unfortunate that so many nonradical Americans are taken in by this leftist line. They unwittingly weaken the very institutions of freedom they wish to sustain. They

may hasten the day when the heel of repression is a reality—not from the sources now recklessly defamed but from whatever tyranny follows the overthrow of representative government.

This is the greatest danger to human liberty in America.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Gale
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO: Mr. Bishop

DATE: 8-13-71

FROM: M. A. Jones

SUBJECT: HONORABLE LEWIS F. POWELL
RICHMOND, VIRGINIA
ARTICLE IN CONGRESSIONAL RECORD

Under date of 8-12-71, the Director wrote to Mr. Powell, former President of the American Bar Association and a strong supporter of the FBI, and expressed appreciation for Powell's article, "Civil Liberties Repression: Fact or Fiction," which appeared in a Richmond newspaper and was reprinted in the Congressional Record of August 6th. The article is an excellent defense of the FBI against wild and false wire-tapping charges, and it takes to task numerous radical groups which, based on their actions and words, seem bent on destroying the country.

Crime Records feels the article is such a splendid, common-sense defense of constituted authority, rule of law, and the democratic system that we should seek Powell's permission to reprint the article in the FBI Law Enforcement Bulletin.

RECOMMENDATION:

That approval be granted for Crime Records to have SAC, Richmond, contact Mr. Powell and obtain his permission to reprint his article in the Bulletin. This would be cleared with the Richmond Times Dispatch, where the article originally appeared.

REC 18 62-109348-16 CBF

1 - Mr. Mohr
1 - Mr. Bishop

EX-109

CBF:esl
(4) esl

AUG 23 1971

SAC contacted + advised 8/17/71 that Powell glad to grant permission. [redacted] b6 b7C
Also [redacted] of Times Dispatch - grant's paper's permission to reprint in LEB. 8/17/71

SEP 7 1971

CRIME RESEARCH

September 30, 1971

Honorable Lewis F. Powell
Post Office Box 1535
Richmond, Virginia 23212

Dear Mr. Powell:

My associates and I want to thank you for permitting us to reprint your excellent article entitled "Civil Liberties Repression: Fact or Fiction?" in the FBI Law Enforcement Bulletin. It has just been published in the October, 1971, issue and begins on page 9.

I am sure our readers will be interested in your observations on the serious problems in our country today. Enclosed are several advance copies of the Bulletin, and additional copies will be sent if you desire them.

Sincerely yours,

J. Edgar Hoover

MAILED 10
SEP 30 1971
FBI

REC 17 62-109348-17

Enclosures (5)

19 OCT 1 1971

1 - Richmond

NOTE: Mr. Powell is on the Special Correspondents List.

Tolson
Felt
Sullivan
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

CBF:bhm
(6)

MAIL ROOM ☐ TELETYPE UNIT ☐

OCT 6 1971

HUNTON, WILLIAMS, GAY, POWELL & GIBSON
700 EAST MAIN STREET P. O. BOX 1535
RICHMOND, VIRGINIA 23212
TELEPHONE (703) 643-0141
CABLE HUNTWAND

WASHINGTON, D.C. OFFICE
FEDERAL BAR BUILDING WEST
1819 H STREET, N.W. 20006
TELEPHONE (202) 223-5803

October 11, 1971

FILE NO.

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

Dear Mr. Hoover:

Thank you for your generous letter of September 30, enclosing copies of the October FBI Bulletin.

I am happy to have my article on repression reprinted in the Bulletin. The charge - now heard so frequently - that America is a "repressive society" is a demonstrably false one; yet, it is widely believed by millions of well-intentioned Americans (especially among the black and the young) who make their judgments on the basis of slogans and propaganda, rather than hard study of the actual facts.

With my best wishes.

Sincerely,

Lewis Powell

Lewis Powell

Hon. J. Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

51/167

EXP. PROC.
37 OCT 12 1971

REC-32 62-109348-34

EX-102

2 OCT 14 1971

CORRESPONDENCE

7 OCT 21 19[redacted]

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Miller, ES
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

[redacted] Austin National Bank Bldg. [redacted] • Austin, Texas 78701 b6 b7C

October 15, 1971

Dear Mr. Powell:

Please don't trouble to acknowledge this. I just wanted to voice a word of gratitude for your article appearing in the October issue of the F.B.I. Law Enforcement Bulletin, which I trust will continue to receive wide circulation.

As a [redacted] alumnus, who has done more than his share for that institution, I think your reference to Professor [redacted] was altogether appropriate. His continued presence on the faculty has caused me to cease all support of the school, and I daresay I am not alone in my attitude. b6 b7C

With personal best wishes.

[redacted] b6 b7C

Honorable Lewis F. Powell, Jr.
700 East Main Street
Richmond, Virginia 23212

Copy to Hon. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C. 20535

EXP. PROC. 35 OCT 18 1971

ORIGINAL FILED IN 94-1-1005-300

62-109348

NOT RECORDED
191 OCT 20 1971

22 OCT 19 1971

54 OCT 22 1971

CORRESPONDENCE

b6 b7C [redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 12/17/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI ATTENTION: ADMINISTRATIVE DIVISION

FROM: SAC, RICHMOND (80-555)

[redacted] b7C b6

RECEPTION FOR
LEWIS F. POWELL, JR.
STATLER HOTEL
WASHINGTON, D. C.
12/21/71

WALTER REGIRER, President, Richmond Federal Bar Association, extended invitation to me to attend Federal Bar Association Reception for Mr. Powell at the Statler Hotel, Washington, D.C. on the afternoon of 12/21/71.

As the Bureau is aware, Mr. POWELL has been an SAC Contact in the Richmond Division for a number of years and is personally known by me. He has been most laudatory toward the Director and the FBI.

I plan to attend this reception, UACB.

0 - Bureau
1 - Richmond
DWM:GTC
(3)

EX-100 REC-28 62-109348-19

16 DEC 23 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE: 1971—413-135

March 6, 1974

Honorable Lewis F. Powell
Associate Justice of the Supreme
Court of the United States
Washington, D. C. 20543

Dear Mr. Justice:

Having lost my father, I can understand your feelings at this time and want you to know I share your grief. The thoughts and prayers of all of us in the FBI are with you.

May God bless you.

Sincerely,

Clarence Kelley

EX-104

NOTE: Justice Powell is on the Special Correspondents List.

REC-8 62-109348-20

JCW:nmi (3)

5 MAR 18 1974

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ENCLOSURE

MAILED 23
MAR 6 1974
FBI

MAIL ROOM ☑ TELETYPE UNIT ☐

5 MAR 26 1974

Louis Powell, 94, [redacted]th

Lewis Franklin Powell, 94, father of Supreme Court Justice Lewis F. Powell Jr., died yesterday at home in Richmond.

Mr. Powell in 1909 went to work for the David M. Lea & Co., Inc., wooden box manufacturers in Richmond, and later became an official of the company. The firm now makes other wood products and is known as Lea Industries.

A former president of the National Wooden Box Association, Mr. Powell represented the wirebound and wooden box industry o[redacted] War Industries Boa[redacted] advisory committee d[redacted] World War II.

He also leaves his [redacted] Alice W. L.; another [redacted] Edward A., of Richm[redacted] two daughters, Mrs. F[redacted] L. Dewey of Williams[redacted] Va., and Mrs. Kennet[redacted] Lane of Brewton, Ala.[redacted] sisters and two brot[redacted] His first wife, the fo[redacted] Mary Lewis Gwath[redacted] died 10 years ago.

Services were sche[redacted] for today in Richmond.

Washington Star-News
Washington, D.C.
3-5-74

Let to Powell
3-6-74
JCW/mmi

file
8/gen

ENCLOSURE

62-109348-20

July 6, 1983

FEDERAL GOVERNMENT

Honorable Lewis F. Powell, Jr.
Associate Justice of the Supreme
Court of the United States
Washington, D. C. 20534

Dear Justice Powell:

I just wanted to add my personal invitation to the one you received a few days ago from Roger Young, Chairman of the FBI's Anniversary Committee, to attend our Gala on July 23rd at the Washington Hilton.

This is quite a special occasion for all of us here at the Bureau and we are delighted that Jimmy Stewart has agreed to be our after-dinner speaker. I know it will be an enjoyable evening and we would be very honored to have you and your wife join us.

Sincerely,

Bill

William H. Webster
Director

62-109348-21

MAILED 3
JUL 06 1983
FBI

NOTE: Letter prepared at request of AD Young as a follow-up to a select group who had not responded to the Gala announcement by July 6th. Signed Bill per [redacted] b7C b6

23 AUG 2 1983

TJB:len (2)

Exec AD Adm. ___
Exec AD Inv. ___
Exec AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Insp. ___
Intell. ___
Lab. ___
Legal Coun. ___
Off. Cong. & Public Affs. ___
Rec. Mgnt. ___
Tech. Servs. ___
Training ___
Telephone Rm. ___
Director's Sec'y ___
MAIL ROOM ☐

64 AUG 31 1983

October 17, 1969

BY LIAISON

Honorable John D. Ehrlichman
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Ehrlichman:

Reference is made to your name check request concerning [redacted] and some other individuals. b6 b7C

The central files of the FBI contain no pertinent derogatory information identifiable with [redacted] and Lewis Franklin Powell, Jr. b6 b7C

The fingerprint files of the Identification Division of the FBI contain no arrest data identifiable with the above individuals based upon background information submitted in connection with this name check request.

Attached is a separate memorandum concerning [redacted] b7C b6

Sincerely yours,

J. Edgar Hoover

62-109348-

NOT RECORDED
191 OCT 22 1969

DELIVERED
ON 10/17/69

OCT 20 1969

Enclosure

1 - Mr. DeLoach (sent direct)
1 - Mr. Gale (sent direct)

JMM:paa
(7)

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes

MAIL ROOM ☐ TELETYPE UNIT ☐

OCT 30 1969

AUG 14 1984

ORIGINAL FILED IN 62-5-34832

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 15, 1969

TO: Cartha D. DeLoach

FROM: John D. Ehrlichman

SUBJECT: FBI Investigations

Please expedite Name Checks on the following persons being considered for membership on Task Forces.

c-NAR ND [redacted] b6 b7C
Minneapolis, Minnesota
b. [redacted] Elmore, Minnesota

NAR Mem [redacted] b6 b7C
Shawnee Mission, Kansas
b. [redacted] Troy, Kansas

Lewis Franklin Powell, Jr.
c-NAR ND [redacted] b7C b6
Richmond, Va.
b. 9/19/07, Suffolk, Va.

62-109348-

0-20 (Rev. 10-1-71)

Tolson
Felt
Rosen
Mohr
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

b7C
b6 [redacted]

UPI-147

(JUSTICES)

WASHINGTON--LEWIS F. POWELL JR. OF VIRGINIA WAS CONFIRMED BY THE SENATE TODAY TO SUCCEED THE LATE HUGO L. BLACK OF ALABAMA AS AN ASSOCIATE JUSTICE OF THE SUPREME COURT.

POWELL HAD NO MAJOR OPPOSITION AS THE THIRD SOUTHERNER CHOSEN BY PRESIDENT NIXON FOR THE COURT AND THE FIRST TO GAIN APPROVAL BY THE SENATE.

WILLIAM H. REHNQUIST, NOMINATED AT THE SAME TIME AS POWELL, ATTRACTED SOME SHARP CRITICISM BUT IS EXPECTED TO WIN CONFIRMATION BY A COMFORTABLE MARGIN LATER IN THE WEEK.

POWELL IS A 64-YEAR-OLD RICHMOND LAWYER AND FORMER PRESIDENT OF THE AMERICAN BAR ASSOCIATION.

HE AND REHNQUIST, NOMINATED TO SUCCEED JOHN M. HARLAN WHO RETIRED A WEEK AFTER BLACK IN SEPTEMBER BECAUSE OF SPINAL CANCER, WERE NAMED BY NIXON OCT. 21.

12-6--EH409PES

HQ 62-101018-22

WASHINGTON CAPITAL NEWS SERVICE