

WFO 77-94916

RTT:1mt

1

Black Caucus, Representatives
U.S. House of Representatives

b6
b7C The following investigation was conducted by SA
[REDACTED] on October 26, 1971.

b6
b7C Representative [REDACTED] advised
the so-called Black Caucus is an adhoc group composed of
various black United States Representatives who maintain a
private office staff and research facilities for the purpose
of assisting members of the Caucus in various legislative
matters.

The following members of the Caucus advised they
have no personal knowledge of the applicant, LEWIS FRANKLIN
POWELL, JR., and will have no comment to make concerning him
until such time as the Black Caucus conducts the study of
his qualifications for nomination to the bench of the United
States Supreme Court:

b6
b7C Representative [REDACTED]
Representative [REDACTED]
Representative [REDACTED]
Representative [REDACTED]
Representative [REDACTED]

WFO 77-86748

WFO 77-94916

RPS:ww

1

POLITICAL LEADERS

b6
b7C The following investigation was conducted by
Special Agent [REDACTED] on October 26, 1971, at
Washington, D.C.:

b6
b7C [REDACTED]
Housing Development Corporation, 3801 Jenifer Street,
Northwest, advised that he is not familiar with the
applicant and could not comment on his nomination.

b6
b7C [REDACTED] JOHN WESLEY
A.M.F. Zion Church, 1615 14th Street, Northwest, advised
that he has no knowledge of the applicant other than
what he has read in the press and did not feel qualified
to comment on the applicant's nomination.

b6
b7C It is noted that [REDACTED] is active in
Democratic politics in the District of Columbia and
[REDACTED] for the
District of Columbia.

77-86748

77-94616

6

LABOR ATTORNEY

On October 26, 1971, [REDACTED] Attorney. [REDACTED]

[REDACTED] Washington, D.C., [REDACTED]

[REDACTED] AFL-CIO, advised SA

[REDACTED] that he does not know the applicant personally, but only by reputation and articles in the press concerning him. [REDACTED] stated that although the applicant's philosophies may be different from his own, as far as the applicant's legal reputation is concerned he would interpose no objection to his nomination.

WFO 77-94916

RLJ/hab

1

LABOR LEADERS

The following investigation was conducted by SA [REDACTED] on October 27, 1971, at Washington, D. C.

b6
b7C [REDACTED] AFL-CIO,
815 16th Street, N. W., advised that he is presently in
the process of examining the applicant's qualifications
and philosophies and did not wish to comment any further
at this time.

ANDREW J. BIEMILLER, Legislative Director, AFL-CIO,
815 16th Street, N. W., advised that he has reached no
decision, at this time, concerning the applicant's nomination
and therefore could make no additional comment.

WFO 77-94916

RPS/dag/cn

1

CIVIL RIGHTS LEADERS

b6
b7C The following investigation was conducted by
SA [REDACTED] on October 26, 1971, at Washington,
D.C.

b6
b7C [REDACTED] Omega
Psi Phi Fraternity, 2714 Georgia Avenue, N.W., [REDACTED]
[REDACTED] advised
that he does not know the applicant personally, but from
what he has read about him, he could think of no objection
he would have concerning the applicant's nomination.

b6
b7C [REDACTED] Washington
Urban League, 1424 16th Street, N.W., advised that he does
not know the applicant personally, but from what he has
read about the applicant he could pose no objection to his
nomination.

WFO 77-94916

JER:rs

1

b6
b7C

[REDACTED] Attorney at Law, [REDACTED]
[REDACTED] advised SA [REDACTED] on October 26, 1971, that she is associated with the Research Project Action Council, which is a lobbying group dealing primarily with minority groups and civil rights. This council is presently investigating the applicant as well as the other nominee announced by President NIXON for the Supreme Court to determine their qualifications and attitudes concerning civil rights. At the present time she said that their investigation has just been instituted and no information concerning the nominees has been developed.

b6
b7C

On October 26, 1971, [REDACTED]
Washington, D. C. Office, Anti-Defamation League, B'Nai B'Rith, 1640 Rhode Island Avenue, N. W., advised SA [REDACTED]
[REDACTED] that he did not know the applicant and has never had any personal or professional relationships with him. He could furnish no information concerning the applicant.

WFO 77-86748

WFO 77-94916

RPS:ww

1

RELIGIOUS LEADERS

The following investigation was conducted by
Special Agent [REDACTED] on October 26, 1971, at
Washington, D.C.:

b6
b7C
[REDACTED] advised
that he does not know the applicant but from what he
has heard and read concerning him, he could pose no
objection to his nomination.

b6
b7C
[REDACTED]
Jewish Community Council of Greater Washington, 1330
Massachusetts Avenue, Northwest, advised that he is not
familiar with the applicant and could make no further
comment concerning him.

b6
b7C
[REDACTED]
United States Catholic Conference, 1312 Massachusetts
Avenue, Northwest, advised that he is not familiar with
applicant and could, therefore, make no comment concerning
his nomination.

WFO 77-94916

RST:jh

1

ORGANIZATIONS

Metropolitan Club
17th and H Street, N.W.,
Washington, D. C.

On October 26, 1971, [REDACTED] was contacted by Special Agent [REDACTED] and advised the applicant is a member in good standing of the Metropolitan Club. [REDACTED] said the applicant joined the Metropolitan Club June 6, 1966, and is still a member. [REDACTED] knows of nothing derogatory concerning his character, associates, reputation or loyalty. [REDACTED] said that to his knowledge the applicant has no bad habits, and if he did, he could not continue his membership in the Metropolitan Club.

[REDACTED] advised the Metropolitan Club has no racial requirements for membership and that the club does not discriminate against minority groups.

WFO 77-94916

RLJ/hab

1

Society of Cincinnati,
Anderson House
2118 Massachusetts Avenue
N. W. Washington, D. C.

b6
b7C

On October 26, 1971, Mr. [REDACTED] was contacted by Special Agent [REDACTED] and advised the applicant is a member in good standing of the Society of Cincinnati, Virginia Branch. [REDACTED] stated that the applicant joined the Society of Cincinnati in 1949, and has maintained continuous membership since that time. He advised that the Society is the oldest patriotic organization in the United States, having been founded by GEORGE WASHINGTON in 1783. [REDACTED] advised that in order to become a member one must be able to trace his ancestry to an officer in the American Revolution and must be the oldest male member of his family. [REDACTED] stated that the Society has no racial requirements for membership and that the Society does not discriminate against minority groups.

b6
b7C

[REDACTED] advised that he knows of nothing of an unfavorable nature concerning the applicant's character, associates, reputation or loyalty to the United States.

WFO 77-94916

2

Mrs. [REDACTED]

b6
b7C National Lawyers Club, 1815 H Street, N.W., advised that their records indicate LEWIS FRANKLIN POWELL, JR., was made an honorary member on February 26, 1969, being assigned membership number 706, and she stated that he received this honorarium as a result of his being President of the American Bar Association.

She stated that prior to his being made an honorary member he formerly held club membership number 4398.

WFO 77-94916

RLJ:cac

1

CREDIT AND POLICE AGENCIES

b6
b7C Special Agent (SA) [REDACTED] caused a search to be made of the files of The Credit Bureau, Incorporated, Washington, D. C., and was advised on October 26, 1971, that the file contained no credit record for the applicant.

b6
b7C On October 26, 1971, Special Clerk (SC) [REDACTED] determined that no record was contained in the Metropolitan Police Department files concerning the applicant.

It is to be noted that at all times an indefinite number of unidentifiable records are out of file and not available for review.

b6
b7C On October 26, 1971, Investigative Clerk (IC) [REDACTED] search the files of the United States Park Police and no identifiable record was found concerning the applicant.

WFO 77-94916

RLJ/cn

1

MISCELLANEOUS

b6
b7C On October 26, 1971, SC [REDACTED] caused a search to be made of the files of the Bureau of Personnel Investigations, Civil Service Commission, and information obtained was utilized in this investigation.

b6
b7C On October 26, 1971, IC [REDACTED] caused a search to be made of the files of the House Committee on Internal Security and was advised that no pertinent, identifiable record could be located for the applicant.

b6
b7C The files of the Passport Office, Department of State, reviewed on October 26, 1971, by SC [REDACTED] disclosed that LEWIS FRANKLIN POWELL, JR., was issued Official Passport # Y 876824 on December 18, 1969, at Washington, D.C. (WDC), for a 15 day trip to Thailand and Vietnam for a "Presidential Panel." The applicant listed his birth date as September 19, 1907, at Suffolk, Virginia, and the file reflects that his previous passport was seen as identification.

On November 15, 1955, at WDC, the applicant was issued passport # 797547 for a two week business trip to England.

On June 19, 1958, at WDC this passport was renewed for a 3-4 week trip to Belgium, France, West Germany, Poland and Russia as a Delegate of American Bar Association.

On June 12, 1963, at WDC, the applicant was issued passport # D 494212 for a 2 week trip to Greece to attend International meeting of lawyers.

On May 10, 1966, at WDC, this passport was renewed for a 3 week trip to Switzerland, Italy, France and the Netherlands to attend meeting of International Bar Association.

WFO 77-94916

2

On May 12, 1969, at WDC, the applicant was issued passport # K 771680 for a 1 month pleasure trip to England, Greece and Kenya.

b6
b7C A further review of the Passport Office files by SA [REDACTED] on October 26, 1971, disclose that LEWIS FRANKLIN POWELL, JR., was issued passport 396265 at WDC on March 15, 1951, for proposed travel of about 5 weeks to France, England and Scotland for business and pleasure. These files also indicate that he was previously issued passport 291096 at WDC, on July 9, 1930, for intended travel for 8 months to Great Britain, France, Italy, Belgium and Switzerland for pleasure and travel. MARY LEWIS POWELL, his mother, furnished to the Passport Office an affidavit dated July 7, 1930, in the Eastern District of Virginia attesting to the applicant's birth on September 19, 1907, at Suffolk, Virginia.

b6
b7C SC [REDACTED] caused a search to be made of the files of the U.S. Secret Service, Department of the Treasury, and was advised on October 26, 1971, that no record was located concerning the applicant.

b6
b7C On October 26, 1971, SC [REDACTED] reviewed the main card index, at the Library of Congress, which revealed no record concerning the applicant.

b6
b7C On October 26, 1971, SC [REDACTED] caused a search to be made of the Washington Daily News, library morgue which revealed no record concerning the applicant.

Pertinent information

WFO 77-94916

RFR:dam/hab

1

The following investigation was conducted by
Special Agent [REDACTED] on October 26, 1971:

b6
b7C
Mrs. [REDACTED] Office of
Legal Services, Office of Economic Opportunity (OEO),
advised Mr. LEWIS POWELL was formerly a member of the
National Advisory Committee to the Legal Services Program,
OEO, during the period of February, 1965, until December,
1968. She stated the National Advisory Committee (NAC)
met approximately four times per year and she knew Mr. POWELL
never missed a meeting of this committee and she described
him as a very modest person who has an outstanding reputation
as a lawyer. POWELL was not a employee of OEO but was one
of a number of prominent people who were utilized by OEO in
an advisory capacity.

b6
b7C
Concerning Award Selections made by members of the
Legal Services Program for outstanding people in various
categories, she recalled applicant received an award in
December, 1968, as the outstanding lawyer for his contribution
to the cause of Legal Services. Mrs. [REDACTED] advised OEO
does not have a copy of this award which would specifically
set forth the details concerning this award. She related
based on her association and knowledge of applicant she would
highly recommend him for the judicial position of associate
justice of the Supreme Court.

b6
b7C
On October 26, 1971, Special Agent [REDACTED]
caused a check to be made of the Security Office of the Office
of Economic Opportunity concerning applicant LEWIS FRANKLIN
POWELL JR. and no record was located.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE NEW YORK	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/26-27/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY <div style="background-color: black; width: 150px; height: 1.2em; display: inline-block;"></div> b6/b7C	TYPED BY jas
		CHARACTER OF CASE DAPLI JUSTICE SUPREME COURT OF THE UNITED STATES	

REFERENCE:

b6/b7C

New York report of SA
10/26/71.

-RUC-

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
APPROVED <i>[Signature]</i> COPIES MADE:						SPECIAL AGENT IN CHARGE		DO NOT WRITE IN SPACES BELOW <div style="font-size: 1.5em; font-family: cursive;">77-121928-32</div> NOV 1971 8 DEC 8 1971
5-Bureau (via Facsimile) 1-New York (77-34527)						<div style="font-size: 1.5em; font-family: cursive; transform: rotate(-15deg); display: inline-block;">2 cc destroyed</div>		
Dissemination Record of Attached Report						Notations <div style="font-size: 2em; font-family: cursive;">CZ</div>		
Agency	one cc Deputy A.G.							
Request Recd.	OCT 27 1971							
Date Fwd.								
How Fwd.								
By								

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b6/b7C

Report of:

Date:

10/27/71

Office: New York, New York

Field Office File #:

77-34527

Bureau File #:

Title:

LEWIS FRANKLIN POWELL, JR.

Character:

DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES

Synopsis:

b6
b7C Applicant is member of American Law Institute
and was recommended as a Justice for the Supreme
Court. [REDACTED] Congressman [REDACTED]
[REDACTED] is not acquainted with applicant. Results
of investigation regarding contacts with racial
leaders are set forth.

-RUC-

DETAILS:

Membership

On October 26, 1971, Professor [REDACTED] American Law Institute (ALI), 435 West 116th Street, New York, New York, advised SA [REDACTED] that POWELL is a member of the ALI. [REDACTED] said he has known the applicant for many years both professionally and socially. [REDACTED] said he had worked with the applicant in the ALI and the American Bar Association (ABA). [REDACTED] POWELL had been appointed by President LYNDON B. JOHNSON to serve on the Commission on Law Enforcement and Administration of Justice. [REDACTED] described the applicant as a superbly able lawyer who possessed a deep understanding of constitutional history as well as the history of the Supreme Court. He further advised the applicant was a man of the highest moral integrity who was known to be a sensitive and understanding individual. [REDACTED] said POWELL's views while serving on the previously mentioned Commission on Law Enforcement and Administration of Justice were on the side of stricter law enforcement. [REDACTED] said, however, POWELL had a great concern for the welfare of human beings.

[REDACTED] also stated POWELL was a person who knew how to listen, a quality, [REDACTED] said, was absolutely necessary in a man being considered for the Supreme Court. [REDACTED] concluded by saying he had been "overjoyed" by the choice of POWELL for the Supreme Court, and he said he would recommend him highly for the position as a Justice on that Court.

Government Official

On October 27, 1971, [REDACTED] Congressman, State of [REDACTED] advised SA [REDACTED] that he is not acquainted with the applicant and can make no comment concerning him. [REDACTED] was contacted at his office at the United States Mission to the United Nations, 799 United Nations Plaza, New York, New York.

Racial Leaders

Following investigation by SA [REDACTED] on
October 27, 1971:

b6
b7C Miss [REDACTED] National Association
for the Advancement of Colored People (NAACP), 1790
Broadway, New York, New York, stated Executive Director
ROY WILKINS is presently vacationing and unavailable for
contact.

b6
b7C [REDACTED] NAACP, advised he was not personally
acquainted with the applicant. His only knowledge of the
applicant is from the news media. He added that his
organization is still in the process of studying the
applicant's record and this study will not be completed
for about a week.

b6
b7C [REDACTED] added that the Century Club and
University Club are private clubs in New York City whose
members are of relative means. He has attended functions
at these clubs as a guest of members and is not aware of
any racial discrimination as a policy of these clubs.

b6
b7C Mrs. [REDACTED] NAACP, Legal Defense and Educational Fund,
Incorporated, 10 Columbus Circle, New York, New York,
stated she had left a message with Mr. [REDACTED] on October 26,
1971, to contact the New York Office of the Federal Bureau
of Investigation (FBI) but he did not have the time to
return the call. Mrs. [REDACTED] does not know when Mr.
[REDACTED] will be in his office or when he will be
available for interview.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE BOSTON, MASS.	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/26-27/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY SA [REDACTED] b6/b7C	TYPED BY ras
		CHARACTER OF CASE DAPLI JUSTICE SUPREME COURT OF THE UNITED STATES	

REFERENCE:

Bureau teletype to Boston 10/22/71.

- RUC -

ADMINISTRATIVE:

Newspaper morgues contained only a globe wire service article re possible appointment of POWELL to the Supreme Court with background information on him which is not pertinent to this investigation.

ACCOMPLISHMENTS CLAIMED <input type="checkbox"/> NONE						ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED <i>[Signature]</i> SPECIAL AGENT IN CHARGE						DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 5 - Bureau 1 - Boston (77-14555) one cc Deputy A.G.						77-121928-33 NOT RECORDED 3 DEC 8 1971	
OCT 27 1971 Dissemination Record of Attached Report						Notations	
Agency							
Requester							
Date Fwd.							

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b6/b7C

Report of:
Date:SA [REDACTED]
10/27/71

Office:

BOSTON, MASSACHUSETTS

Field Office File #:

77-14555

Bureau File #:

Title:

LEWIS FRANKLIN POWELL, JR.

Character:

DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES

Synopsis:

b6 Education verified. Associates recommend. Credit and arrest
b7C records negative. Professor [REDACTED] advised not acquainted
and had no comments re applicant.

- RUC -

DETAILS:

b6 Investigation at Chicopee Falls, Massachusetts was
b7C conducted by SA [REDACTED]. The records of the Boston,
Massachusetts Police Department and the Boston Credit Bureau
were checked at the request of SC [REDACTED]. The records at
the Cambridge, Massachusetts Police Department were examined at the
request of IC [REDACTED]. The records at the Office of the
Massachusetts Commissioner of Probation, Boston, and newspaper
morgues were examined by IC [REDACTED].

EDUCATION

b6 On October 26, 1971, Miss [REDACTED] Alumni Records,
b7C Harvard Law School, Cambridge, Massachusetts, advised that the appli-
cant was awarded a LL.M. degree on June 23, 1932. She further
advised that she has reviewed the applicant's records and that they
contained no derogatory information. She could provide no other
information.

BS 77-14555

b6
b7C
On October 26, 1971, Miss [REDACTED] Clerk, Registrar's Office, Harvard Law School, Cambridge, Massachusetts, advised that the applicant attended Harvard Law School from September 28, 1931 through June 23, 1932, and was awarded a LL.M. degree on June 23, 1932. Miss [REDACTED] advised that none of the applicant's former instructors were presently with the university. She could provide no other information.

ASSOCIATES

b6
b7C
On October 26, 1971, Professor [REDACTED] Harvard Law School, Cambridge, Massachusetts, advised that he was [REDACTED] and that he was associated with the applicant who was a member of the commission for approximately two years. His association was primarily of a professional nature and limited to a few social contacts. Professor [REDACTED] described the applicant as extremely thorough, intelligent and most conscientious individual who always had an open mind approach to all matters. Professor [REDACTED] stated that the applicant's qualifications and ability were of the highest. Professor [REDACTED] advised that the applicant is a person of excellent character and morals, a loyal American citizen who enjoys an excellent reputation in all respects. He further advised that the applicant's associates and associations are all reputable and unquestionable.

b6
b7C
Professor [REDACTED] stated that he could not comment as to any racial prejudices or bias regarding the applicant inasmuch as this matter never came up during his association; however, he stated that he knew of nothing derogatory about the applicant or of any reason why he should not hold a position of trust and confidence. Professor [REDACTED] recommended the applicant for the position of Justice of the United States Supreme Court.

b6
b7C
On October 27, 1971, Mr. [REDACTED] Southern States Cooperative, Richmond, Virginia, was contacted at 4 Stephens Street, Chicopee Falls, Massachusetts, and advised that his company, in the past, has retained the services of the applicant's law office, and he has known LEWIS POWELL personally as well as professionally for the past eight years. He considers him to be an extremely reliable, honorable, fair-minded and competent lawyer. He knows of no instance wherein Mr. POWELL has expressed any philosophical ideology that would be inconsistent with current civil rights laws. He recommended the applicant as to character, associates, reputation and loyalty, and without hesitation, recommended him for the Supreme Court of the United States.

CREDIT

On October 26, 1971, personnel of the Credit Bureau of Greater Boston, Inc., 6 St. James Avenue, Boston, Massachusetts, advised their files contained no information identifiable with applicant.

ARREST

On October 26, 1971, personnel of the Boston, Massachusetts Police Department, advised their files contained no information identifiable with the applicant.

On October 26, 1971, personnel of the Cambridge, Massachusetts Police Department, advised their files contained no record for the applicant.

On October 26, 1971, personnel of the Office of the Massachusetts Commissioner of Probation, Suffolk County Courthouse, Boston, Massachusetts, a central repository for all criminal conviction and traffic records in the Commonwealth of Massachusetts, advised their files contained no information identifiable with the applicant.

MISCELLANEOUS

b6
b7C On October 26, 1971, Professor [REDACTED] Harvard Law School, Cambridge, Massachusetts, who was reported to have possible comments regarding applicant, advised that he does not personally know the applicant and could provide no information regarding applicant. *He has not made any study concerning the applicant.*

b6
b7C On October 26, 1971, Miss [REDACTED] Office of the Clerk of the Supreme Judicial Court of Suffolk County, Boston, Massachusetts, advised that there is no record of the applicant ever being admitted to the Massachusetts Bar.

Local newspaper morgues reflect no information pertinent to applicant's education at Harvard in 1932 or related to any speeches or appearances in this community.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE ALEXANDRIA	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/22-27/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY SA [REDACTED]	TYPED BY SW
		CHARACTER OF CASE DAPLI JUSTICE SUPREME COURT OF THE U. S.	

REFERENCE: Bureau teletype, 10/22/71.

-RUC-

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:	
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR	<input type="checkbox"/> YES <input type="checkbox"/> NO
								PENDING PROSECUTION OVER SIX MONTHS	<input type="checkbox"/> YES <input type="checkbox"/> NO
APPROVED <i>[Signature]</i>						SPECIAL AGENT IN CHARGE			
COPIES MADE:						DO NOT WRITE IN SPACES BELOW			
⑤ - Bureau 1 - Alexandria (77-2185)						51 11/1/71 34 NOT RECORDED 3 DEC 8 1971			
Dissemination Record of Attached Report						Notations			
Agency	one cc Deputy A.G.					<i>[Signature]</i>			
Request Recd.									
Date Fwd.	OCT 27 1971								
How Fwd.									
60 DEC 10 1971									

A*
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b6/b7C

Report of: SA [REDACTED]
Date: 10/27/71

Office: Alexandria, Virginia

Field Office File #: 77-2185

Bureau File #:

Title: LEWIS FRANKLIN POWELL, JR.

Character: DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES

b6/b7C

Synopsis: Comments of Congressman [REDACTED] and federal judges, U. S. Attorney, and other attorneys, Northern Virginia area set out. Applicant's appointment as consultant Blue Ribbon Defense Panel 7/18/69-6/30/70, verified. [REDACTED] b2
[REDACTED]

-RUC-

TABLE OF CONTENTS

b6 b7C	Comments of Congressman [REDACTED]	Page 3
	Comments of Judges, U. S. Attorney, and Other Attorneys, Northern Virginia Area.....	5
	Employment and Security Record Check, Pentagon.....	11
	Agency Checks.....	13

AX 77-2185

DETAILS:

. b6/b7C

COMMENTS OF CONGRESSMAN [REDACTED]

AX 77-2185

HEW/pll

1

b6
b7C On October 24, 1971, Congressman [REDACTED]
[REDACTED] who resides at [REDACTED] Fairfax County,
Virginia, advised Special Agent [REDACTED] as follows:

He recalls meeting the applicant perhaps on one or two occasions and hearing a speech or two of his at the Bar Association, but he cannot honestly say he is personally acquainted with the applicant. He stated, however, that anything he has ever heard of the applicant has been "of the best". In June, he read an article in some law review bulletin or some such literature, written by the applicant in which the applicant voiced the opinion that the Government had a right to protect itself, and in so doing, was entirely justified in arresting the hoodlum element demonstrating in the city of Washington, D.C., during the "May Day demonstrations". He was so impressed with this article that he had it inserted in the Congressional Record and voiced the opinion that perhaps by his doing so, he may have inadvertently caused a disservice to the applicant. However, he is of the opinion that the applicant is a person whose knowledge of the law is so great that he would be a definite asset as an associate justice of the Supreme Court. Both the applicant's writing and speaking ability are excellent. To his knowledge, the applicant has engaged in the general practice of law, mostly non-criminal type work with big corporations. He does not know the extent of the applicant's court room and trial experiences from personal knowledge, but assumes that they are extensive. As far as the applicant's personal characteristics are concerned, including his personal appearance, conduct, habits, and sobriety, by reputation, he is under the impression that they are excellent. He knows nothing of the applicant's health status or family members, but the applicant's reputation, both personal and professional in regard to his honesty, integrity, and loyalty to the U.S. Government, are above reproach. He is of the opinion that the applicant's temperament, professional ethics, and fair, impartial, unbiased

AX 77-2185

HEW/pl1

2

objective outlook are of the highest degree. He is not aware of any racially prejudiced organizations of which the applicant is a member, stating that really the only organization he knows definitely the applicant is a member of is the American Bar Association. From what he has gained through reading accounts of POWELL's background in newspaper articles, his views on civil rights issues are extremely fair and objective and entirely within the realm of propriety.

He has received many letters from constituents in his district and from members of the Virginia Bar Association attesting to the applicant's professional and personal qualifications for appointment to the Supreme Court, and he has forwarded these letters to the White House.

He concluded by stating that he thought the appointment of POWELL to the Supreme Court was an exceptionally fine appointment, and he recommends and urges confirmation of this appointment.

AX 77-2185

COMMENTS OF JUDGES, U. S. ATTORNEY,
AND OTHER ATTORNEYS, NORTHERN VIRGINIA AREA

b6
b7C The following investigation was conducted on
October 26, 1971, by SA [REDACTED]

b6
b7C [REDACTED] Fourth Circuit
Court of Appeals, Alexandria, Virginia, advised he has known
the applicant for 30 years. The applicant has appeared
before Judge [REDACTED] and
[REDACTED] has appeared before him on the Circuit Court of Appeals
on many instances. He has also known the applicant socially
during this period.

It was his opinion that the applicant is especially
well qualified for a judicial position in the realm of legal
ability and experience. He said the applicant's intelligence,
knowledge of the law, writing and speaking ability, the
fact that he has had an extended and varied and extremely
successful practice of the law, all substantiate his out-
standing ability and experience.

b6
b7C Judge [REDACTED] said the applicant's personal habits
were of the highest order. His personality, personal
appearance, honesty, and integrity were above reproach.
His professional reputation and reputation of his family
are of the highest order.

He was not acquainted with any specific organizations
to which the applicant may be or has been a member but he is
positive that any judicial decisions made by the applicant
would be fair, impartial, and objective. He unhesitatingly
recommended the applicant for a judicial position.

b6
b7C [REDACTED] United States District Judge,
Eastern District of Virginia, Alexandria, Virginia, advised
that he has known the applicant for 30 years. The applicant
has appeared before him in the United States District Court
and prior to Judge [REDACTED] appointment to the bench, he

appeared against the applicant in many court cases. It was his opinion that the applicant was especially qualified as to legal ability, intelligence, writing ability, and because of his wide practice of law. He was especially impressed by the applicant's court room and trial appearances.

He stated the applicant's personality, appearance, and personal habits were of the highest order. His family enjoys a good reputation and his integrity and loyalty to the United States are above reproach.

He was not aware of any specific organizations to which the applicant did or had belonged.

He was sure that the applicant would be fair, impartial, and unbiased in any decisions he may render although he stated he is sure that the applicant was a man of very conservative judicial opinions.

He recommended the applicant for a judicial position without any qualifications.

b6
b7C [REDACTED] United States District Judge, Eastern District of Virginia, Alexandria, Virginia, advised he has known the applicant for four years in a professional and social capacity. [REDACTED]

He could not recall that the applicant had ever appeared before him in the United States District Court or in the Fairfax County, Virginia, Circuit Court, where Judge [REDACTED] was formerly a judge.

He stated that from personal experience and by reputation, he was convinced that the applicant's legal ability, intelligence, and knowledge of the law were outstanding. He pointed out that the applicant had been a practicing lawyer in Virginia for many years and had a wide and extensive and very successful practice

3

AX 77-2185

WHC:mlm

which set of facts would speak for themselves as for his legal ability.

Although his social acquaintanceship with the applicant has not been extensive, he believed his personal habits, health, honesty, and integrity were of the highest order and he stated applicant's family's reputation is good.

He does not know of any organizations which the applicant is or was a member but stated his judicial qualifications were of the highest order and he would unhesitatingly recommend him for a judicial position.

b6
b7C [REDACTED] United States Attorney,
Eastern District of Virginia, Alexandria, Virginia, advised that he knew the applicant only by reputation, which in the Virginia legal circles was outstanding. On the basis of the applicant's reputation, he knew of no reason the applicant would not be a well qualified appointee.

AX 77-2185

HEW/pll

1

b6
b7C On October 26, 1971, Mr. [REDACTED] practicing attorney with offices in both Alexandria, Virginia, and Washington, D.C., and a former Assistant U.S. Attorney in Alexandria, Virginia, advised Special Agent [REDACTED] as follows:

He is not personally acquainted with the applicant, but by reputation, he knows him to be a person whose legal ability and experience are extensive and thorough. By reputation, Mr. POWELL is a person whose character, associates, and loyalty are above reproach. He knows nothing of the applicant's health status or family members and their activities, but assumes them to be excellent. He has never heard of anything concerning the applicant which would indicate to him that the applicant would be anything but fair, impartial, and unbiased, and he has no knowledge concerning any organizations of which the applicant is a member. He does not know the applicant's political affiliation, except that he recalls reading in the newspaper that the applicant is actually a member of the Democratic party. From his knowledge of the applicant's background, obtained strictly from newspaper accounts and the reputation of the applicant, he is very much in favor of the applicant's being confirmed as associate justice of the Supreme Court, adding that in his opinion, this appointment is one of the better appointments made by the President.

AX 77-2185

HEW/pl1

1

b6
b7c On October 26, 1971, Mr. [REDACTED] Attorney,
Alexandria, Virginia, and a former Assistant U.S. Attorney,
advised Special Agent [REDACTED] as follows:

He is not personally acquainted with the applicant, but by reputation, he considers the applicant to have the highest legal ability and experience for appointment as a Supreme Court justice. The applicant has a reputation of being a person whose character, associates, reputation, and loyalty are above reproach. He knows nothing concerning the status of the applicant's health or the applicant's family members and their activities. The applicant has the judicial qualifications for appointment as a judge, and he feels the applicant would be a most fair, impartial, unbiased, and objective Supreme Court justice. He does not know any of the organizations of which the applicant may be a member, except for the Virginia Bar Association and the American Bar Association. He considers the appointment of the applicant as a member of the Supreme Court to be in the highest traditions of the court, and he feels that POWELL is an excellent choice.

AX 77-2185

FL/krl

1.

bg/b7C SA [REDACTED] The following investigation was conducted by [REDACTED] at Arlington, Virginia, on October 26, 1971:

EMPLOYMENT RECORD CHECK
(PENTAGON)

bg/b7C [REDACTED] Civilian Personnel Office, Office of the Secretary of Defense (OSD), advised the applicant was a consultant, without compensation, to the Blue Ribbon Defense Panel (BRDP) from July, 18, 1969, to June 30, 1970. No other pertinent information available concerning applicant.

SECURITY RECORD CHECK
(PENTAGON)

bg/b7C [REDACTED] OSD Security Division, furnished the following information concerning LEWIS FRANKLIN POWELL, born September 19, 1907, Suffolk, Virginia:

Applicant was a member of the Joint Civilian Orientation Conference in 1956, and because of this OSD conducted a National Agency Check (NAC) on him with satisfactory results.

On August 12, 1969, he received from OSD a Secret clearance based on a NAC completed by OSD on July 28, 1969, and a background investigation completed by the Air Force on September 28, 1968.

On September 26, 1969, his clearance was upgraded to Top Secret based on a background investigation completed by OSD in 1969. Clearance was granted as he was a consultant to the BRDP Intelligence Subcommittee. His clearance was withdrawn June 19, 1970, as his association with the BRDP was terminated.

AX 77-2185

2.

No derogatory information exists in the applicant's security file at OSD.

AGENCY CHECKS

b6/b7C

b2 SA [REDACTED] caused a search to be made
of the files of [REDACTED]
[REDACTED] and no pertinent
identifiable information concerning the applicant's spouse,
b6 JOSEPHINE PIERCE RUCKER POWELL, or daughter, [REDACTED]
b7C [REDACTED] currently residing in Brussels, Belgium.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MIAMI	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/26/71 - 10/27/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY b6/b7C [REDACTED]	TYPED BY nmm
		CHARACTER OF CASE DAPLI JUSTICE SUPREME COURT OF THE U.S.	

REFERENCES

Richmond teletype to the Bureau, 10/23/71.
Miami teletype to Richmond, 10/26/71.
Richmond teletype to Miami, 10/26/71.

RUC

ADMINISTRATIVE

b6
b7C Identity of Agents conducting investigation left out of report for purpose of brevity. Investigation at Delray Beach and Palm Beach conducted by SA [REDACTED]. Credit and arrest checks Miami area conducted by SA [REDACTED].

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO		
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES				
APPROVED <i>KW</i>					SPECIAL AGENT IN CHARGE			DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 5 - Bureau 1 - Miami (77-8137)					<i>2 cc's destroyed</i>			77-121928-35	
								NOT RECORDED 6 OCT 29 1971	
Dissemination Requested					Notations				
Agency					<i>BECCIA</i>				
Request Recd.									
Date Fwd.									
How Fwd.									
By									

A*
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

bg/btc

Report of:

Date:

October 27, 1971

Office: Miami, Florida

Field Office File #:

77-8137

Bureau File #:

Title:

LEWIS FRANKLIN POWELL, Jr.

Character:

DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE U. S.

Synopsis:

*bg
btc* Appointee and wife are owners of apartment in cooperative apartment development, Delray Beach, Florida. Information obtained from Miami Herald Newspaper Library, set forth. [REDACTED] American Bar Association commented favorably and recommends appointee for U. S. Supreme Court. No credit or arrest record located for appointee in the Delray Beach or Miami, Florida, areas.

RUC

DETAILS:REAL ESTATE

*bg
btc* On October 26, 1971, Mrs. [REDACTED] Horizon Apartments, 1375 South Ocean Boulevard, Delray Beach, Florida, advised that LEWIS FRANKLIN POWELL, Jr., and his wife [REDACTED] purchased Apartment [REDACTED] from Mr. [REDACTED] of Richmond, Virginia, two years ago. She said [REDACTED] who is a social and business acquaintance of POWELL, has owned this apartment building since 1959. Mrs. [REDACTED] commented that the POWELLs occupy the apartment periodically between the months of November and May.

b6/b7C
Mrs. [REDACTED] was unaware of any racial or religious restrictive covenants associated with the property.

NEWSPAPER LIBRARY

On October 26, 1971, a review of the files of the Miami Herald Newspaper Library, Miami, Florida, disclosed the following:

An article dated May 4, 1963, reported that LEWIS F. POWELL, Jr., a nominee for President of the American Bar Association (ABA), speaking at a Seminar on "Education Against Communism" to lawyers at a convention of the Florida Bar at Miami Beach, Florida, said the ABA is earmarking \$200,000 for instruction of teachers in the fight against communism.

An article dated January 9, 1965, reflects that the President of the ABA, LEWIS F. POWELL, Jr., called for Congress to pass the BAYH Amendment spelling out succession procedures when a U. S. President is disabled. POWELL was addressing a breakfast meeting of the South Florida Inter-Professional Council at the Columbus Hotel, Miami.

An article dated January 12, 1965, reported that POWELL, addressing the Dade County Bar Association, made a speech in which he urged the legal profession and the news media to find a "Sensible Balance" between freedom of the press and safeguarding the right of an accused person to a fair trial.

An article dated August 10, 1965, reflects that POWELL, President of the ABA, keynoted the opening of the ABA's 88th Annual National Convention, with both an appeal and a warning, stating any massive breakdown in law and order imperils the nation's basic freedoms and opens the door to infiltration by subversive and lawless extremists.

MM 77-8137

An article dated October 13, 1965, reported that the ABA in a resolution dealing with racial bias, had rejected a stronger proposal offered by former Florida Governor FULLER WARREN and Attorney HENRY ZUCKERNICK and adopted a substitute resolution sponsored by the ABA's resolutions committee. The issue centered around two dinner parties which had been scheduled originally at the Bath Club and the La Gorce Country Club. According to the article, ABA President LEWIS F. POWELL, Jr., cancelled his reception at the Bath Club following protest from Jewish Community leaders. The resolutions committee felt local situations could be dealt with directly by ABA officials just as POWELL had done in cancelling the reception at the Bath Club.

ACQUAINTANCE

b6
b7C On October 26, 1971, Mr. [REDACTED] of the ABA, interviewed at the Fountainebleau Hotel, Miami Beach, Florida, advised he has known POWELL well for at least fifteen years. During the period of August, 1964, to August, 1965, POWELL was President of ABA and he worked very closely with him in the association.

b6
b7C [REDACTED] said POWELL is an outstanding, patriotic, loyal American of excellent character, reputation and associates. He is a great lawyer and a very capable individual. He has a precise mind, always listens to all sides of any issue and his opinions are always carefully formed. He has excellent balance, and good judicial temperament and is warm and human. He is completely fair and unbiased in his dealings with others and has never been known to express any racial or religious bias or prejudices. He described POWELL as moderate in his views on Civil Rights.

b6
b7C [REDACTED] is acquainted with POWELL's wife and two of his four children and has heard nothing unfavorable concerning them.

MM 77-8137

b6
b7C [REDACTED] feels POWELL will make an excellent addition to the U. S. Supreme Court and highly recommends him for this position.

CREDIT AND ARREST

The following agencies were contacted on October 26, 1971, and no record of appointee was located: Credit Bureau of Palm Beach County, West Palm Beach, Florida; and Credit Bureau of Greater Miami, Miami, Florida.

No record of appointee or his wife was located at the following agencies: Identification Division, Delray Beach, Florida, Police Department; Identification Division, Palm Beach County Sheriff's Office, West Palm Beach, Florida; and no record for appointee located at the Miami Police Department, Miami Beach Police Department, Dade County Public Safety Department, Miami Municipal Court, and Metropolitan Court of Dade County, Miami, Florida.

MISCELLANEOUS

On October 27, 1971, a review of records of Clerk of Court, Circuit Court of Palm Beach County, West Palm Beach, Florida, reflected the apartment building in which appointee's apartment is located was sold to the present owners May 1, 1959, and the deed contained no restrictive covenants as to race, religion or national origin.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE ATLANTA	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/26/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY SA [REDACTED] BG/btc	TYPED BY sdj
		CHARACTER OF CASE DAPLI JUSTICE, U. S. SUPREME COURT	

REFERENCES: Richmond telephone call to Atlanta, 10/25/71;
Richmond teletype to Director, 10/25/71.

- RUC -

Carroll
BI

A*

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
APPROVED <i>CEC</i>						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
③ - Bureau 1 - Atlanta (77-6798)						77-121728-36 NOT RECORDED 18 OCT 29 1971		
Dissemination Record of Attached Report one cc Deputy A.G.						Notations <i>Spec</i>		
Agency								
Request Recd.								
Date Fwd.	OCT 27 1971							
How Fwd.								
By								

60 DEC 10 1971

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b6/b7C

Report of: SA [REDACTED]
Date: October 27, 1971

Office: Atlanta, Georgia

Field Office File #: 77-6798

Bureau File #:

Title: LEWIS FRANKLIN POWELL, JR.

DEPARTMENTAL APPLICANT
JUSTICE

~~U. S. SUPREME COURT~~

Character:

Supreme Court of the United States
b6/b7C

Synopsis: Attorney [REDACTED] comments most favorably regarding POWELL's appointment and states that no finer selection could have been made.

- RUC -

DETAILS:

The following investigation was conducted by SA [REDACTED] on October 26, 1971:

b6
b7C [REDACTED] First National Bank Building, Atlanta, Georgia, advised that he has been acquainted with LEWIS FRANKLIN POWELL, JR., for more than 30 years. He stated that their acquaintance was of both a business and a social nature and that he thought of POWELL almost like a younger brother due to the great respect and admiration he has developed for him in their many associations. [REDACTED] further advised that he and POWELL had traveled together, worked on legal matters jointly [REDACTED]

He stated that POWELL is one of the great attorneys in the United States. He states that he combines a vast knowledge of the law with a great deal of common sense and a decent approach to both matters and people. He further stated that because of his approach and his sincerity all types of people respond to him. He advised that POWELL's

law practice was one of the finest in the country and that some of the most important people in the United States had been his clients.

He described POWELL as the ideal individual for judgeship and stated that he has the perfect judicial temperament. He stated that POWELL never jumps to conclusions or speaks before he thinks; is exceedingly discreet in words and deeds; always displays proper restraint; is a fair individual with a decent regard for other people and for the law; is equally considerate of rich and poor, black and white, Democrats and Republicans; and manages to command universal respect better than anyone he has ever known. He advised that his knowledge of the law coupled with his educational background and great experience ranks him with the great legal minds of the country.

b6
b7C [redacted] stated that he has never worked with POWELL on any matter involving civil rights, but he knows that POWELL is in favor of observing the Constitution and decisions of courts of proper jurisdiction. He further stated that POWELL believes everyone should observe the law even if they do not believe in it. [redacted] advised that he knows of no utterances by POWELL of a racially prejudiced nature and of no memberships in clubs or organizations which have a clause or a covenant in their bylaws of a racially prejudiced nature.


b6
b7C He stated that there was not the slightest question regarding POWELL's character or integrity and that he is a man with the highest sense of honor. [redacted] advised that he has the greatest sense of social responsibility and his interests are those of a humane individual who is concerned with the work around him.

b6
b7C [redacted] further described POWELL as a person who has always associated with the best, most upright type of individuals and as a supremely loyal American who has served his country well in many capacities.

He stated that POWELL is what a lawyer and a good citizen ought to be and that in the many instances he has used him for legal and business matters he has always performed magnificently.

He heartily recommends him for the position of Supreme Court Justice and states that no finer man for the job could be found in the United States.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE PITTSBURGH	OFFICE OF ORIGIN BUREAU	DATE 10/27/71	INVESTIGATIVE PERIOD 10/27/71
TITLE OF CASE LEWIS FRANKLIN POWELL, JR.		REPORT MADE BY bg/b7c 	TYPED BY nju
		CHARACTER OF CASE DAPLI JUSTICE, SUPREME COURT OF THE UNITED STATES	

REFERENCE:

Bureau telephone call to Pittsburgh, 10/27/71.

-RUC-

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			

APPROVED *DDM* SPECIAL AGENT IN CHARGE *Guss*

COPIES MADE:
3 - Bureau
1 - Pittsburgh (77-8290)

DO NOT WRITE IN SPACES BELOW

77-121928-37

NOT RECORDED
22 OCT 28 1971

Dissemination Record of Attached Report

Agency	one cc Deputy A.G.
Request Recd.	
Date Fwd.	OCT 27 1971
How Fwd.	
By	

Notations
Spec. Agent B 02 1801

-A*-

U.S. GOVERNMENT PRINTING OFFICE : 1970 O-375-139

COVER PAGE

BOD EC 10 1971

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

b6/b7C

Report of:

Date:

10/27/71

Office:

Pittsburgh, Pa.

Field Office File #:

77-8290

Bureau File #:

Title:

LEWIS FRANKLIN POWELL, JR.

Character:

DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT
OF THE UNITED STATES

Synopsis:

b6
b7C

Judge [REDACTED] U. S. Circuit Court of Appeals for Fourth Circuit, who has known Mr. POWELL for about 12 years, commented favorably regarding character, reputation, loyalty and associations of Mr. POWELL. He described POWELL as a "high-class, top-notch" lawyer who exhibited highest standards of his profession and believed him to be fair-minded and not racially prejudiced. Judge [REDACTED] stated he would rather see younger man appointed; however, he highly recommended Mr. POWELL for appointment to Supreme Court.

-RUC-

DETAILS:

On October 27, 1971, Judge [REDACTED] from the U. S. Circuit Court of Appeals for the Fourth Circuit, Room 5311, Post Office Building, Parkersburg, W. Va., advised he has known LEWIS FRANKLIN POWELL, JR., for about 12 years and since he, POWELL, was president of the American Bar Association, and that although he was not closely associated with Mr. POWELL, he knew him well enough to call him LEWIS, and he usually sees him on the street. Judge [REDACTED] stated that he had no doubt as to Mr. POWELL's personal qualifications and ability for any position for which he might be submitted, and that POWELL stood well in his home community, his general character, reputation and personal habits being very good, that he knew of no relatives of Mr. POWELL residing outside of the country and felt he had no sympathies toward any foreign government and that he had no knowledge of his being affiliated with any individuals or organizations of an undesirable or disloyal nature and considered Mr. POWELL an unquestionably loyal American.

With regard to his qualifications and abilities, Judge [REDACTED] stated that Mr. POWELL had appeared in his court on a number of occasions and that he considered him a "high-class, top-notch" lawyer who always exhibited the highest qualities and standards of the legal profession. Judge [REDACTED] stated he had no knowledge regarding Mr. POWELL's leanings on civil rights matters; that as far as he knew, Mr. POWELL did not belong to any racially prejudiced organizations, and that he believed Mr. POWELL would be entirely fair-minded and not racially prejudiced.

Continuing, Judge [REDACTED] stated that in his opinion, Mr. POWELL's age, believed by him to be 64 years, was his greatest drawback and that he would rather see a younger man appointed; however, he noted that many judges worked in their advanced years and that he knew of one who had worked until age 90 who was mentally as keen as he had ever been.

In conclusion, Judge [REDACTED] stated that based upon his knowledge of and associations with Mr. POWELL, he had no reason to withhold his recommendation of Mr. POWELL for the U. S. Supreme Court and that he would highly recommend him for such a position.

October 27, 1971

**LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES**

Philadelphia, Pennsylvania. advised he has known Powell since 1952,

Their relationship has been both professional and he is a personal friend. feels he knows Powell extremely well. He considers Powell's ability as a lawyer at the highest level of competence and would place him among top 25 nationally of top 25 attorneys. Powell's character is equally high. He is one of the most sterling persons knows, unimpeachable, very firm and solid, and highly motivated, in summary a superb person. has had professional dealings with Powell over the years.

Powell was President of American Bar Association (ABA). They served together on Board of American Bar Foundation. Powell also became President of American College of Trial Lawyers.

including Powell's term as President of ABA. In substantiation of his opinion of Powell, commented that he selected Powell as General Counsel for the State of Virginia for a company of which has personally recommended Powell for the Supreme Court, once about one and one-half to two years ago and again in October, 1971, when he asked Powell to permit himself to be considered. Powell responded as of October 6, 1971, stating that he did not wish to be considered and citing as one reason, his age. He in turn urged himself as an appropriate Justice. opinion is that Powell preferred practice of law, but as a lawyer could not refuse an offer of appointment to the Supreme Court.

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

OFL:me
(4)

Return to Mr. Room 1252.

NOT RECORDED

DEC 8 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

72-121928-39
Hand delivered
10/28/71

b6
b7C [redacted] is acquainted with Mrs. Powell, whom he described as not only a lovely person, but one of the outstanding ladies of ABA and in her own way about the same high caliber person as Powell himself. He is acquainted with their daughter, a law student at the University of Virginia, whom he considers a fine young woman. He has met their other children only casually and not in a position to evaluate them.

b6
b7C [redacted] considers Powell as "moderate" on civil rights. He pointed out that Powell was President of Richmond, Virginia, School Board, when Richmond schools were desegregated and desegregation went quite smoothly. He is aware that Powell belongs to segregated clubs in Richmond, but stated that no top quality country club or eating club in Richmond is non-segregated. Powell has given this information to press and it has recently appeared in print. Powell also belongs to non-segregated clubs, including Century Association in New York City. [redacted] pointed out that he himself has for years been very active in field of civil rights having served as [redacted] at requests of President Kennedy and President Johnson. He has no concern as to Powell's potential fairness in civil rights matters on Supreme Court. If he were concerned, he would oppose Powell. [redacted] describes Powell's attitude on religious freedom as "red hot liberal" and states he has shown this in many ways.

b6
b7C [redacted] considers Powell a loyal, patriotic American. His recommendation of Powell for Supreme Court Justice is unqualified.

October 27, 1971

**LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES**

**[REDACTED] Attorney, Memphis, Tennessee,
advised on October 26, 1971.**

**[REDACTED] and
has known Powell intimately since about 1954. His contacts
have all been in connection with ABA matters. He considers
Powell as being an outstanding lawyer and citizen and
highly recommends Powell for the Supreme Court. He states
Powell is of excellent character and has a fine family.
He states Powell has received all of the honors that the
ABA could give him due to his years of service to the
lawyers of America. He stated Powell was President of
Richmond, Virginia School Board and was highly responsible
for the peaceful integration of that school system. He
considers Powell as having no prejudice or bias against any
race or creed. He stated Powell was personally responsible
for the ABA support of legal services to indigents through
the Office of Economic Opportunity. He states Powell is of
even temperament and has never known him to lose his temper
under any circumstances. He states Powell has a remarkable
faculty for getting along well with people and by his sheer
ability can reconcile conflicting points of view in an
organization. He stated Powell had an outstanding war
record during World War II. [REDACTED] concluded that he could
conceive of no reasonable or intelligent objection to
Powell as a member of the Supreme Court.**

b6
b7C

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

**[REDACTED] Attorney, Memphis,
advised on October 26, 1971, he has known Powell for a period in
excess of 15 years and originally met him due to the fact
that [REDACTED] was
an intimate friend of members of Powell's law firm.**

OFL [REDACTED]

(4)

MAIL ROOM ☐ TELETYPE UNIT ☐

Return to Mr. [REDACTED]
Room 1252.

NOT RECORDED one cc Deputy A.G.

DEC 8 1971

OCT 27 1971

Hand delivered

10/28/71
HCL

stated that he is presently [REDACTED]

b6
b7C

[REDACTED] He stated he has seen Powell at least several times a year and has corresponded with him over many years in connection with ABA matters. He stated Powell's legal ability is of the highest and that he is noted for his calm reasonable approach to problems which inspires confidence. He stated he knows of no bias whatsoever by Powell against any race, creed or labor group and considers Powell as having the perfect temperament of an outstanding lawyer, in that he evaluates everything on the basis of the law and the facts. [REDACTED] stated he highly recommends Powell as Justice in the Supreme Court.

b6
b7C

[REDACTED] Catholic Diocese of Memphis, Tennessee, advised on October 26, 1971, he is not personally acquainted with Powell, but knows him to have an excellent reputation as to character and ability in the Virginia area. [REDACTED] stated he was [REDACTED] in Norfolk, Virginia, from 1953 to 1971, and has had numerous social and religious contacts throughout Virginia who were acquainted with Powell. [REDACTED] also explained [REDACTED] was a prominent lawyer in Richmond until he had a stroke several years ago, and [REDACTED] heard [REDACTED] speak highly of Powell many times. [REDACTED] stated that based on Powell's reputation, he believes him to be free on any traits, having no prejudice or bias against any religious or racial group and has never heard anything regarding Powell which would result in him not recommending Powell for the position of Justice, Supreme Court of the United States.

October 27, 1971

**LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES**

b6
b7C [redacted] in law firm of Wright, Lindsey, and Jennings, Little Rock, Arkansas, advised October 26, 1971, he has known applicant intimately for 25 years and considers him one of the greatest living Americans by any standards. [redacted] of the American Bar Association, stated he was closely associated with Powell at time Powell was President of American Bar Association, and further indicated he was present on numerous occasions when Powell made public appearances, pointing out he handled himself in an extremely capable manner. He described Powell as a mild mannered and reasonable individual who approaches controversial matters in a conciliatory spirit. He further stated he has never heard Powell speak in a derogatory manner concerning members of a minority race, does not know him to be a member of any racially prejudiced organization considers him to be a competent writer, and highly recommends him for a position on the Supreme Court, adding he is well qualified by breeding, education, and experience to be a Supreme Court Justice.

72-121928-41
NOT RECORDED

8 DEC 8 1971

Return to Mr. [redacted]
Room 1252.

b6/b7C

original
one cc Deputy A.G.

OCT 27 1971

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

OFL:mes
(4)

MAIL ROOM ☐ TELETYPE UNIT ☐

W
ST
October 27, 1971

6
LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES

b6
b7C [redacted] Professor of Law, Columbia
University, New York, New York, advised Special Agent
[redacted] on October 27, 1971, that he does
not know the applicant. He stated he plans to do some
research on Powell and might have an opinion at a later
date, however, he does not have any comment at this
time.

b6
b7C On October 27, 1971, [redacted] Associate
Professor of Law, Columbia University, advised Special
Agent [redacted] he did not know the applicant
personally and only knew about him from what he had read
in the newspapers following his nomination to the Supreme
Court. He stated he had been doing independent analytical
research concerning the written opinions of [redacted]
[redacted] of California, but did not
foresee similar research with respect to the applicant for
the fact that Powell had no judicial experience and,
therefore, no written opinions of record. He stated he
had no reason to comment one way or another concerning
Powell.

77-121928-42
NOT RECORDED

3 DEC 8 1971

Return to Mr. [redacted]
Room 1252.

b6/b7C

original
one cc Deputy A.G.

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

OFL:me
(4)

60 DEC 10 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Hand delivered
10/27/71
OCT 27 1971

October 27, 1971

LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES

On October 27, 1971 [REDACTED] Spartanburg, South Carolina, Judge, Fourth U. S. Circuit Court of Appeals, advised he has known the applicant for approximately 15 years. Considers his character, reputation, and associates completely above reproach and his loyalty to the United States unquestioned. He believes the applicant's judicial ability and temperament are excellent. He has never heard the applicant personally express himself on civil rights, but feels sure he would "go by the law." Has no knowledge of applicant belonging to any racially prejudiced organizations.

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

OFL:mpf
(4)

Return to Mr. [REDACTED]
Room 1252.

original
one cc Deputy A.G.

OCT 27 1971

NOT RECORDED

3 DEC 8 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

October 28, 1971

LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES

b6
b7C [redacted] Investigator, Research Project
Action Council, Washington, D. C., advised Special Agent
[redacted] in a telephone conversation that he did
not possess information he felt would be of interest to the
FBI and if he did possess information of interest, he could
not divulge it on his own initiative. He advised that his
superiors have been contacted by the FBI and that he under-
stood that further discussions between his superiors and the
FBI were to take place in a few days.

77-121728-44
NOT RECORDED

3 DEC 8 1971

hand delivered
10/28/71
[initials]

Return to Mr. [redacted]
Room 1252.

b6/b7C

original
one cc Deputy A.G.

OCT 28 1971

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

OFL: [initials]
(4)

60 DEC 10 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

October 28, 1971

**LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES**

On October 27, 1971, it was determined that Judge [REDACTED] United States Circuit Court of Appeals, Fourth Circuit, Baltimore, Maryland, is presently out of the United States and not available for interview.

Honorable [REDACTED] United States Court of Appeals, Fourth Circuit, Baltimore, Maryland, advised he has known the applicant for fifteen years on a professional and semi-social basis. He advised Powell had appeared before him in court and that he observed Powell to be a professionally competent and able attorney. He stated that Powell is a man of good character and a loyal American citizen. Judge [REDACTED] stated that Powell, in his opinion, is well regarded by his associates and has made an able representation before the court on behalf of his clients.

He stated that in his contacts with Powell, there is nothing to suggest that Powell is anything other than an honorable person who would impartially judge matters to the best of his ability. He added that Powell possesses the professional qualifications for the position for which he is being considered.

77-121728 45
NOT RECORDED

3 DEC 8 1971

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

OFL:clk *clk*
(4)

Harri Delivered
10/28/71
Return to Mr. [REDACTED] b6/b7C
Room 1252

60 DEC 10 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

October 28, 1971

0
LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES

The investigation of Mr. Powell covered in inquiries as to his character, loyalty, ability, and general standing, but no inquiries were made as to the sources of his income.

The accompanying reports and memoranda set forth the results of an extensive investigation conducted by thirty-one FBI Field Offices from late Friday, October 22, 1971, when the request for the investigation was received, until October 28, 1971.

77-121928-46

RECORDED

DEC 8 1971

Hand Delivered
of

10/28/71

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

OFL:ncm
(3)

Return to Mr. [REDACTED] Room 1252.

b6/b7C

DOUC - 01971

MAIL ROOM ☐ TELETYPE UNIT ☐

October 28, 1971

0
LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE
SUPREME COURT OF THE UNITED STATES

Enclosed herewith is a copy of an article by the applicant which appeared in the October, 1971, issue of the FBI Law Enforcement Bulletin. This article deals with Powell's philosophy concerning the position of a law enforcement officer in American society. It is captioned "Civil Liberties Repression; Fact or Fiction?"

Enc.

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

OFL:tlc *TRC*
(4)

Return to Mr. *[Redacted]* Room 1252.

bc/btc

/ ENCLOSURE

Hand Delivered

10/28/71
WJL

77-121928-47

NOT RECORDED

3 DEC 8 1971

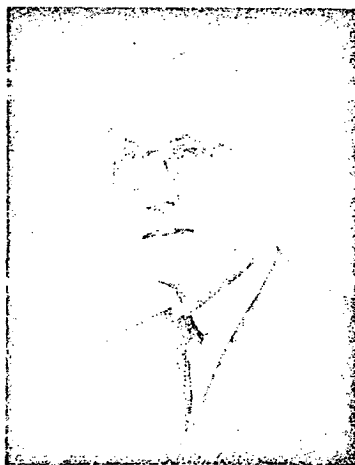
MAIL ROOM ☐ TELETYPE UNIT ☐

Civil Liberties Repression: Fact or Fiction?

By

HON. LEWIS F. POWELL*

Former President of the
American Bar Association,
Richmond, Va.



*Mr. Powell, a prominent Virginia attorney, was President of the American Bar Association from 1964 to 1965. He has also served on the National Commission on Law Enforcement and Administration of Justice, the Virginia State Board of Education, and the 15-man Blue Ribbon Defense Panel named by the President to study the Defense Department.

In answer to the cries of repression of civil liberties, Mr. Powell replies, "Law-abiding citizens have nothing to fear." This article was prepared for and appeared in the Richmond, Va., Times Dispatch on August 1, 1971, and is reprinted for Bulletin readers with the permission of Mr. Powell and the Times Dispatch.

At a time when slogans often ~~are~~ fashionable 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 Associated Press 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 Dershowitz 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.

October 1971

447-121728-47
ENCLOSURE

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

The facts, in summary, are as follows. The Department of Justice employs wiretapping in two types of situations: (1) against criminal conduct such as murder, kidnaping, extortion, and narcotics offenses; and (2) 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 employs 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 than 900 arrests resulted, with some 500 persons being indicted—including several top leaders of organized crime.

The Government also employs wiretaps in counterintelligence activities involving national defense and internal security. The 1968 act left this delicate area to the inherent power of the President.

Current Myths

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

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.

"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."

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.

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 prior showing of probable cause and the ultimate disclosure of source. Public disclosure of this sensitive information would seriously handicap our counterespionage and counter subversive operations.

As Attorney General John Mitchell

FBI Law Enforcement Bulletin

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 counterintelligence activities necessary to national security.

Apparently as a part of a mindless campaign against the FBI, several nationally known political leaders have

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

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 Attorney General 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.

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

asserted their wires were tapped or that they were otherwise subject to surveillance. These charges received the widest publicity from the news media.

False Charges

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

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 is that two—possibly 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. Millions 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.

Sheer Nonsense

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 untrammelled 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 abridgment 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 radicals 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.

Rights Safeguarded

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."

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 worldwide 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 trials. 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 non-radical 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.

FBI Law Enforcement Bulletin

October 28, 1971

**LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUDGE
SUPREME COURT OF THE UNITED STATES**

*b6
b7C* [redacted] Attorney, [redacted] of the
Arlington, Virginia, [redacted] of the
Virginia Bar Association. He related he has known Lewis F.
Powell, Jr. for many years and thinks highly of him. He is
not personally acquainted with him on a real personal basis,
inasmuch as Mr. Powell has his residence in Richmond, Virginia,
and he resides in Arlington, Virginia.

b6/b7C [redacted] related that the Virginia Bar Association is
a compulsory bar association meaning that all lawyers desiring
to practice in the Commonwealth of Virginia must belong to the
bar association. Therefore, an endorsement by the bar association
would not necessarily mean a complete endorsement by all members
of the bar association. However, in 1969, at a full membership
meeting of the bar association, the bar did completely endorse
Mr. Powell as a responsible attorney.

b6/b7C [redacted] further related that he recently returned
from the Ozarks where he attended a meeting with 14 presidents
of bar associations from the various states, and he had many
of these individuals come to him to express their complete
delight in the nomination of Powell to the Supreme Court.

b6/b7C [redacted] related Powell is a very intelligent individual,
has a comprehensive knowledge of the law, is well written, and
has very good speaking ability. His speeches are "low key",
however, he is so well prepared that he has been received in an
excellent manner.

b6/b7C [redacted] stated that inasmuch as Powell's law firm is
stationed in Richmond, he is not completely familiar with the
type of practice Powell has at the present time. However, said
it had been general from the beginning and undoubtedly practices
a considerable amount of corporate law at the present time.

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

OFL: bag *bag*
(4)

Return to Mr. [redacted]

Room 1252

NOT RECORDED

3 DEC 8 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Lewis Franklin Powell, Jr.

b6
b7C [redacted] stated that he has never been in the courtroom with Powell and has no way of determining his courtroom behavior. Based upon his general knowledge of Powell he would state that he would have an excellent courtroom behavior and do well in any appearance before the court.

He related Powell has an excellent personality, presents an excellent appearance, conducts himself in a well-behaved manner, has no bad habits to his knowledge, and does not indulge in alcoholic beverages to excess of his knowledge. He has no reason to believe that health is anything other than excellent.

b6/b7C [redacted] related that Powell has an excellent reputation both personally and professionally. He has been extremely active in the American Bar Association for the past 10 years and is well regarded throughout the nation by members of the American Bar Association. He continues Powell is completely honest, an individual of integrity, and one who is completely loyal to the United States.

b6/b7C [redacted] informed that Powell has the temperament to be a judge. He appears to have been impartial, unbiased, and objective in his association with law and his ethics have never been questioned.

b6/b7C To the best of his knowledge, [redacted] related, Powell does not belong to any racially prejudice organizations and not an individual who would tolerate belonging to such organizations and would not be caught in the middle with respect to racially prejudice statements. With respect to the civil rights issue he advised that Powell certainly does not agree with the massive racial program as undertaken by members of the Commonwealth of Virginia during the school crises.

b6/b7C [redacted] related that Powell has been a Democrat for many years and apparently still is a Democrat and is at the top of the ballot from him. However, this would not bias his opinion that Powell is certainly an excellent nominee for the position of Associate Judge of the Supreme Court, and he would highly recommend him for this judicial position.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cleveland *gull*

FROM : L. H. Martin *LM*

SUBJECT: LEWIS FRANKLIN POWELL, JR.
DEPARTMENTAL APPLICANT
JUSTICE, SUPREME COURT OF
THE UNITED STATES

DATE: 10-28-71

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

SYNOPSIS:

Investigation of Powell, being considered for position of Justice, Supreme Court of the United States, is completed. Powell graduated from Washington and Lee University, Lexington, Virginia, receiving a B.S. degree in June, 1929, and a law degree in June, 1931. He received his LL.M. degree from Harvard University, Cambridge, Massachusetts, in June, 1932. He served honorably in the U. S. Army Air Corps (presently U. S. Air Force) between May, 1942, and February, 1946. He rose from the rank of Lieutenant to the rank of Colonel. He retired in 1963 from the U. S. Air Force Reserve as a Colonel. Except for this military service, he has been in private law practice at Richmond, Virginia. He has been afforded numerous honors, including past President of the American Bar Association (ABA). Of the 289 persons interviewed, he was unknown to 22 people, 26 people knew him by reputation, and knew nothing unfavorable, and 240 people recommended Powell. *b6 b7C* [redacted] would not recommend. This attorney felt the applicant was not forceful enough during the period of school desegregation. Powell allegedly is a member of two segregated clubs in Richmond; however, clubs deny being discriminatory. Three minor traffic violations concerning father resulted in being dismissed or small fine imposed.

ACTION:

Results of investigation have been furnished to the Department.

Our transmittal notes, "The accompanying reports and memoranda set forth the results of an extensive investigation conducted by 31 FBI Field Offices from late Friday, October 22, 1971, when the request for the investigation was received, until Thursday, October 28, 1971."

- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Dalbey

- 1 - Administrative Review Unit,
- Crime Records Division
- 1 - Mr. Cleveland
- 1 - Mr. Martin
- 1 - Mr. [redacted]
- 1 - Mr. [redacted]

OFL:met
(11)

COPY MADE FOR MR. TOLSON

CONTINUED - OVER

Memorandum to Mr. Cleveland
Re: Lewis Franklin Powell, Jr.

DETAILS:

Powell was born on September 17, 1907, at Suffolk, Virginia. He entered Washington and Lee University, Lexington, Virginia, in 1925. He received a B.S. degree in June, 1929, and a law degree in June, 1931, from this University. He received a LL.M. degree from Harvard University, Cambridge, Massachusetts, in June, 1932. He has received several honorary Doctor of Law degrees. Since graduation from college he has been in private law practice at Richmond, Virginia, except for the period between May, 1942, and February, 1946, when he served honorably in the U. S. Army Air Corps (presently U. S. Air Force). He remained in the U. S. Air Force Reserve until 1963, when he retired as a Colonel. During the second World War, he rose from Lieutenant to Colonel. Powell has been associated with the firm of Hunton, Williams, Gay, Powell, and Gibson, Richmond, Virginia, since 1935. He has been a full partner with this firm since 1938.

A total of 289 persons were interviewed, in addition to the usual agency checks. He was unknown to 22 persons interviewed. Twenty-six people knew Powell by reputation and knew nothing unfavorable concerning him. Two hundred forty persons interviewed highly recommended Powell as an outstanding choice for the position of Justice, Supreme Court of the United States. Comments of one attorney who would not recommend, set forth hereinafter.

Among the people interviewed who favorably recommended Powell are U. S. Senators [redacted] an Independent, and [redacted] a Democrat, both of [redacted] U. S. Senator [redacted] a Republican, [redacted] a Republican, Governor of [redacted] four U. S. Representatives; three former Governors of the State of Virginia; [redacted] five former Presidents of the American Bar Association; [redacted] numerous U. S. and local judges; attorneys, and associates. Among the attorneys interviewed were prominent members of outstanding law firms on the East coast from Atlanta, Georgia, to New York, New York.

The comments of the aforementioned individuals indicated the applicant is extremely competent, intelligent, and an outstanding lawyer. They stated they have observed the applicant under numerous situations and have never seen him angry; thus they feel he possesses an excellent judicial temperament.

Memorandum to Mr. Cleveland
Re: Lewis Franklin Powell, Jr.

b6/b7C

[REDACTED] would not recommend Powell stating that Powell was for "freedom of choice" position in the school desegregation cases in Virginia in the 1950's. He also stated that Powell represents large corporations presently concerning discrimination in hiring practices. He added Powell belongs to the Commonwealth Club and the Country Club of Virginia, both of which discriminate.

Another attorney at Norfolk, Virginia, who recommended Powell without reservation, also mentioned Powell belongs to the two aforementioned discriminatory clubs.

The numerous aforementioned attorneys advised there is no basis of any complaint concerning Powell's handling of desegregation or discriminatory hiring practices cases. They stated that in fact Powell was the primary individual who was responsible for the smooth integration of the school system in the State of Virginia.

Representatives of the two aforementioned clubs were contacted and advised they have no practice of discrimination because of race or religion.

A Richmond, Virginia, Negro attorney had been quoted in the press as indicating Powell was a segregationist. He was interviewed and advised he does not know Powell and can furnish no information concerning him. He stated that contrary to press articles, he had not applied for a position with Powell's law firm, although he had heard from a source, whom he did not recall, that Powell's law firm discriminated against Negroes.

In 1930 Powell was a member, representing the South, of the National Student Federation of America. This organization was founded in 1925, which represented 245 colleges and universities. The organization was indicated in its 1940 directory to be an affiliate of the American Youth Congress, which organization has been cited under Executive Order 10450. The American Youth Congress was not in existence until 1934.

The applicant's father was cited on three occasions between 1934 and 1965, for minor traffic violations, for which he was either fined a small fine or the charges were dismissed.