



JUSTICE LEWIS F. POWELL

A TRIBUTE TO JUSTICE LEWIS F. POWELL

*by Chief Justice William H. Rehnquist**

When Lewis F. Powell took the Oath of Office on January 7, 1972, he became the ninety-ninth Justice to serve on the United States Supreme Court. It is not often that one has the opportunity to take a new job at the age of sixty-four, even after a long and distinguished career such as he had. But, that is precisely what Lewis F. Powell did when he answered President Nixon's call to duty in the fall of 1971—even though he harbored genuine doubts about the wisdom of the decision.

Had Lewis Powell never served a day on the Supreme Court of the United States, his career would have been the envy of any lawyer. He was a partner and a builder of one of the most respected law firms in the country. A leader in the bar at state and national levels, he served as President of the American Bar Association, of the American College of Trial Lawyers, and of the American Bar Foundation. He gave generously of his time and energy to his beloved hometown of Richmond and to the Commonwealth of Virginia. Education was always one of his special concerns; Lewis Powell served as President of the Virginia State Board of Education and also of the School Board of Richmond.

Lewis Powell began the practice of law in his native city of Richmond in 1932 and was thirty-four years of age at the time of the Japanese attack on Pearl Harbor. Though his age and family responsibilities would have excluded him from the draft, he nonetheless volunteered and was commissioned a First Lieutenant in the Air Force. He served overseas with distinction as an Intelligence Officer in the Air Force for four years during World War II and its aftermath. This love of country, I think, perhaps more visible in Southerners than in those from other parts of the nation, was never absent in Lewis Powell's many activities or in his reflections about his life and times.

Justice Powell possesses intellect and analytical skill in abundance, but he brought more than this to the Court: he brought years of experience from the diverse concerns which had engaged him earlier, and which gave him a fund of common sense which is an essential ingredient to the makeup of every great judge. He was the very embodiment of "judicial temperament";

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receptive to the ideas of his colleagues, fair to the parties to the case, but ultimately relying on his own judgment as seasoned by the process of argument and deliberation.

I prized, and continue to prize, my association with Lewis Powell, and I know that every one of his colleagues feels the same way about him. In our courtroom and in our conference room the importance of the issues we confront and the seriousness with which we take our responsibilities, on occasion, makes one or the other of us a little too hard on counsel or a little acerbic with our colleagues. Lewis Powell, so far as I know, never fell prey to these peccadillos. He suffered the same provocations that we all do, but in the face of them he was always a Virginia Gentleman in the very best sense of that word.