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Introduction

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INTRODUCTION

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In 1989 Justice Lewis F. Powell, Jr. announced his intention to leave his personal and professional papers to his alma mater, Washington and Lee University. The collection spans Justice Powell's service as Chairman of the Richmond School Board, his tenure as President of the American Bar Association, and his years as an Associate Justice of the Supreme Court. In April, 1992, the Washington and Lee Law Review and the Frances Lewis Law Center sponsored a symposium examining topics inspired by the collection. The symposium coincided with the dedication of the School of Law's new wing, home of the Lewis F. Powell, Jr. Archives.

Two issues of the Washington and Lee Law Review present the symposium, "Contemporary Challenges to Judging: History, Politics, and Values." We begin with reflections on why collections of personal papers are significant in what has been called a "post-literate, post-industrial" society which may see little value in preserving the record of one set of ideas, one man's response to change. In his essay, "The Lewis F. Powell, Jr. Archives and the Contemporary Researcher," Archivist John Jacob notes the role of a collection of this kind both in the shaping of "cultural memory" and in the process of reaching a richer understanding of the way the past lives on in the present. Because the Powell collection is in part a judicial archive, it will be especially useful in understanding the judicial function, particularly as it is shaped by the challenges presented by history, politics, and values.

The first series of essays focuses on the historical context of the desegregation efforts in Richmond, Virginia, where Lewis Powell, Jr. served as Chairman of the Richmond School Board from 1952 through 1961. In these essays we hear the voices of a practicing attorney who fought a tough legal battle for change, a political leader who represented what was at the time an unpopular view, and a federal district court judge faced with the task of implementing a general desegregation mandate against vehement massive resistance. We see images of moral courage and are forced to reflect on the meaning of moral courage today, as the same struggle for

equality continues. The perspectives of Oliver Hill, Linwood Holton, and Robert Merhige serve to broaden our view of how legal, political and emotional changes occur within our society—at times, it seems, only through a rough combination of “time, morality, and the law.”¹

We then move to the Supreme Court and its work in a troubled context of political transition. In “The Court Between Hegemonies,” L. A. Powe, Jr. examines Justice Powell as a “quintessential centrist” on a Supreme Court in transition. Several other articles and essays examine specific Powell opinions and shed further light on the centrist philosophy, its possible responses to issues framed in moral terms, and the complex call of “statesmanship.”

In the next issue, the Law Review concludes its presentation of topics inspired by the Powell Archives. A group of thoughtful judges and scholars will discuss contemporary challenges to judging from a variety of perspectives. The objective again will be to demonstrate the value of a judicial archive as a springboard for discussing questions that remain unsolved in our law and culture. We thank Justice Powell for this opportunity to develop what we view as a “dialogue” between the perspectives of past and present.

1. Robert R. Merhige, Jr., *A Judge Remembers Richmond in the Post-Brown Years*, 49 WASH. & LEE L. REV. 23, 30 (1992).