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Reception and Dinner Honoring Lewis Franklin Powell, Jr.

Lewis F. Powell, Jr.

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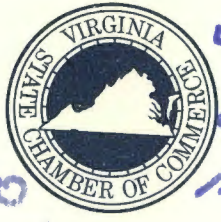
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our chairman, Gov. Holton &
their members, ^{of} Power Structure of Va
- Head Table
& Audience

If there is anyone
here who can tell
me what to say, I
would embrace him at



Virginia State Chamber of Commerce

Reception and Dinner

Thank you is a simple
Honoring phrase -

The Honorable Lewis Franklin Powell, Jr.

Associate Justice, United States Supreme Court

The Marshall Room and The Grand Hall,

The Hotel John Marshall, Richmond

Friday, December 17, 1971

this
moment.
know
of us
more
eloquent
one.

Lewis Franklin Powell Jr.

The tall man who runs down Franklin Street, cuts through an alley in the 600 block, and sprints the final steps to his office might well hurry; there is no other way to build the life's structure of achievement that is the work of Lewis F. Powell Jr.

Yet apart from the sidewalk jogs and a liking for tennis, the lanky Richmond lawyer radiates a deceptive sense of ease and tranquility. Unruffled, gracious, calm, he sits behind his office desk; pushed back a bit, as if preserving a perspective toward the work on his desk or the matter of the moment, building a steeple with his fingers.

Those who know him come to an inescapable conclusion. The entire career of this brilliant and accomplished man seems to have pointed straight toward the bench of the U.S. Supreme Court with a certain purity of line. Add it up: graduate of the Washington & Lee University Law School and Harvard University Law School; a practicing lawyer for 40 years; past chairman of the Richmond School Board; past president of the State Board of Education; leader of the Richmond change to council-manager government; member of a presidential crime commission.

He was president of the American Bar Association as well as the Richmond Bar, clear enough testimony as to what his peers think of him. He served on the last Virginia constitutional revision commission. His honors and awards have been the ones that count, like Distinguished Service Awards from the Virginia State Chamber of Commerce and the Virginia Education Association.

Such is the man whose service to the nation, however great already, may have been only the beginning.

PROGRAM

Presiding	Richard D. Robertson, President, Virginia State Chamber of Commerce, Staunton
Invocation	The Reverend Dr. William F. Summers, Minister, Grace Covenant Presbyterian Church, Richmond
Dinner	
Introduction of Guests	Richard S. Gillis, Jr., Executive Director, Virginia State Chamber of Commerce, Richmond
Special Remarks	The Honorable Harry F. Byrd, Jr., U.S. Senator The Honorable William B. Spong, U.S. Senator Chief Justice Harold F. Snead, Virginia Supreme Court, Richmond The Honorable Oliver W. Hill, Lawyer, Hill, Tucker and Marsh, Richmond Dr. Robert E. R. Huntley, President, Washington and Lee University, Lexington Governor A. Linwood Holton, Commonwealth of Virginia, Richmond
A Special Presentation	Mr. Robertson
Response	The Honorable Lewis F. Powell, Jr., Associate Justice, U.S. Supreme Court
Benediction	Dr. Summers
Adjournment	

MENU

French Onion Soup, Aux Croutons

Roast Prime Ribs of Western Beef, Au Jus

White Wild and Saffron Rice with

Shallots and Mushrooms

Asparagus Polonaise

Glazed Baby Carrots

Hearts of Romaine with Palm

Colony Club and Roquefort

Flaming Cherries Jubilee

Fruit Cake

Coffee

After Dinner Mints

Wine

Beaujolais Tytell

IV. Credit not improved
#50 check
Washington apartment.

V. Fan Mail
Another Baby
Sexist
Marmiton (Read)

VI. Advice
Law partners of course
Los Vegas
Judge
Coin

Conclusion
Serious for moment.
Thank Chamber.
Virginia

I. Outpouring of Acclaim -
Nervous
Dart Board

II. Va. Power Structure!
Thank
Read
(Partidge in Pear Tree)

III. Negatives too
Not everything
"sweetness & light"
and warmth of
friends.

- Low of Privacy
- ① T. Bryan's competitors
 - ② FBI
 - ③ A C L Union
w+h

PRESENTATION TO MR. JUSTICE POWELL

Mr. Justice Powell, we have brought you and your lady here under false pretenses. We said that you would be our guests, but we are going to renege and treat you like members of the family.

So much deserved high praise has been heaped upon you already that it is virtually impossible to say anything new. There is one item which has been overlooked. Everyone knows that Whizzer White gave up a football career for the Supreme Court, but few know that Lewis Powell gave up one in baseball. He was a crack first-baseman at McGuire's University School.

We regret that we could not get your picture in your new uniform in time to put it on our program.

You are the sixth Virginian to be appointed to the U. S. Supreme Court. It may be of interest to take a quick look back at your five predecessors and perhaps that will show us something of what we can expect from our sixth judge.

The first was John Blair, Jr., who came from a wealthy and prominent Colonial family. He was educated at William and Mary, studied at London's Middle Temple, practiced in Williamsburg and had a prominent role during the Revolutionary period. He was appointed Chief Justice of Virginia's General Court in 1779 and was a delegate to the Constitutional Convention in Philadelphia and signed the Constitution for Virginia along with

Washington and Madison. He was appointed to the original Supreme Court of six by George Washington in 1789. The Court met in New York for the first few years and the docket was very light, a luxury unknown in modern times.

The United States then had three circuits, the Eastern, Middle and Southern, each composed of two United States Supreme Court Justices and one District Judge; the circuit court had both original and appellate jurisdiction. Riding the circuit taxed the energies of Blair and his ill health and his wife's death caused him to resign in 1796.

Blair is described as tall and of slight frame with a bald forehead fringed with skinny locks of red hair which fell over his ears. His lower lip protruded in a singular way like the bill of a bird. He preserved to the last that strict attention to dress which was characteristic of the Colonial regime.

Bushrod Washington was appointed by John Adams in 1798 and served for 31 years, 28 of them under Marshall as Chief Justice. He had great ability, diligence, learning, modesty and personal charm, yet was not famous because overshadowed by Marshall. He was a nephew of George Washington and as his heir inherited Mount Vernon. He studied law at William and Mary with Marshall under George Wythe and he and Marshall were founding members of Phi Beta Kappa, then a semi-secret fraternity. He served under Lafayette and witnessed Cornwallis' surrender. His apprenticeship was under James Wilson in Philadelphia, one of the original six members of the Court, whose seat he ultimately took.

He practiced in Richmond primarily as a chancery lawyer and was distinguished as a counselor rather than as an advocate. On the circuit he excelled as a nisi prius judge in jury trials. He read law indefatigably and his extensive pursuit of knowledge caused him the loss of sight of one eye. In 29 years on the Court Washington disagreed with Marshall on only three occasions; this may have been a part of a deliberate effort by Washington to support Marshall's attempts to have the Court speak as a single well-defined voice.

He is described as small, with a sallow complexion, in poor health, an inveterate snuff-taker and an untidy dresser.

John Marshall was appointed Chief Justice by John Adams in 1801 and served in that capacity until his death in 1835. His career is well known to this Bar, as are his landmark opinions in the development of our body of constitutional law. The clarity, force, and logic of his opinions are all the more remarkable in view of his limited legal education which consisted of only a few weeks at William and Mary.

When he returned to Williamsburg after the war as Captain John Marshall, a military hero, he met Polly Ambler and they were married three years later. No man ever worshipped his wife more than Marshall did Polly. Theirs was a great love story and the only flaw in the relationship was that Polly simply could not or would not write her husband when he was away. Marshall never understood this.

Marshall was in debt much of his life. Legend has it that he had one guinea in his pocket after paying the preacher for his wedding. However, his rise at the bar and in the political world was rapid. The Martindale-Hubbell of his day would have listed George Washington and Thomas Jefferson among his clients. He accepted appointment as Ambassador to France because the compensation helped ease his financial problems and he returned from the "XYZ Affair" a national hero.

Marshall was an awkward, ungainly man with a face too small for his frame, and careless in his dress.

His lawyers' suppers at the brick house in Richmond, now known as the Marshall House, were an institution. Members of the Richmond Bar numbering more than 30 would come in mid-afternoon and stay until late evening where they would feast on bounteous meals, drink from Marshall's fine wine cellar and discuss events of the day.

His quick wit was illustrated when challenged in a Philadelphia club to use the word "paradox" in verse. Looking through the door he saw several convivial Kentuckians which prompted this rhyme:

"In the Blue Grass Region 'a paradox' was
born,
The corn was full of kernels and the
'colonels' full of corn."

A young attorney once remarked to him that he had reached the acme of judicial distinction. Marshall replied, "Let me tell you what that means, young man. The acme of judicial distinction

means the ability to look a lawyer straight in the eye for two hours and not hear a damn word he says."

The famous trial of Aaron Burr was held at the State Capitol in Richmond with Marshall presiding. Behind the scenes this was a confrontation between Marshall and Jefferson, who disagreed so violently with Marshall's opinions. The trial took four months but the jury stayed out only 25 minutes to find Burr not guilty after Marshall's definition of treason had greatly weakened the prosecution's case. Thereafter, Jefferson tried unsuccessfully to impeach Marshall.

The next two Virginians on the Court were solid states' rights conservatives, both of whom came up from the Federal District Court for the Eastern District of Virginia.

One year after Marshall's death in office Philip Pendleton Barbour was appointed by Andrew Jackson. He attended William and Mary and practiced in Orange. He was at one time Speaker of the House of Representatives and was an unceasing critic of the national administration.

Things were pretty rough for Supreme Court nominees back in those days too. When it was rumored that Marshall might resign, John Quincy Adams expressed the fear that "if he should now withdraw, some shallow-pated wild-cat like Philip P. Barbour fit for nothing but to tear the Union to rags and tatters would be appointed in his place."

In 1838 a Whig paper referred to "such small lights as have been recently placed on the bench -- such shallow metaphysical hair-splitters as P. P. Barbour." On the other hand, the Richmond

Enquirer declared: "Barbour, the pride of the democracy of Virginia, is now seated upon the bench of the Supreme Court which he is so eminently fitted to adorn with his talent and enlighten with his unflexible and uncompromising states' rights principles."

When Barbour died suddenly in 1841 President Van Buren had only one week left in his term and he appointed Peter V. Daniel of Virginia before Barbour was buried. Daniel's position on the Supreme Court was to hold the line for constitutional conservatism and states' rights. He was against corporations and banks. He was an agrarian in an industrial age. His dissents were numerous. Born in Stafford County, he attended Princeton (then College of New Jersey) and studied for the bar under Edmund Randolph in Richmond. He was active in the coalition of the Richmond Junto and the New York Republican Party led by Van Buren and this political affiliation was the key to his appointment.

At age 67 he married a young wife, something not unknown these days; he had two children by this second marriage.

He died in office in 1860, and it was to be 112 years before Virginia was to have another seat on the Supreme Court.

What then will history say of our sixth Justice? The word which will most often be used is excellence. Excellence as a legal scholar, as a lawyer, as a citizen, as a soldier, as a husband and a father, as a judge, and most of all as a man.

No political considerations led to his appointment; merit was its basis. He was a Democrat appointed by Republican President Richard Nixon.

He was the third Justice from the Richmond Bar.

After four Indians and a Tiger, along came a Mink, a fraternity brother of Marshall and Washington.

He was Brooks Brothers in his dress, tall and fit and by far the most handsome of the Virginia Justices.

He lived in the Powell House on Rothesay Road.

After he became a Justice he resumed the custom of lawyers' suppers which Marshall had initiated and frequently invited the 861 members of the Richmond Bar Association to his home for elaborate dinners and to drink from his wine cellar and discuss current events.

His opinions combined the zeal and wisdom of Washington with the force, clarity and logic of Marshall, tempered always by a deep sense of fairness and justice.

He was a devoted husband and father and his attractive spouse, Jo, did not neglect to write him when he was away as Polly did John Marshall.

The press was nearly unanimous in endorsing his appointment and only one misguided U. S. Senator voted against his confirmation.

He served his country many years on the bench with rare ability, integrity and distinction until he retired to his home in Richmond.

On the evening of December 31, 1999, the Powells celebrated the turn of the century by attending a dinner party at the home of Chief Justice and Mrs. Snead.

Shortly after his appointment Mr. Justice and Mrs. Powell were guests of honor at a dinner given by the Richmond Bar Association at the John Marshall Hotel, upon which occasion a silver gavel was given him bearing the following inscription:

Presented to
THE HONORABLE LEWIS F. POWELL, JR.
ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES
WITH THE AFFECTION AND ESTEEM OF THE
RICHMOND BAR ASSOCIATION
February 18, 1972

POWELL SPEECHES

The following speeches, given since I came to the Court, have been published as indicated below:

<u>Speech</u>	<u>Where Published</u>
ABA Speech on 8/13/72	U. S. News and World Report, August 28, 1972
University of South Carolina (Dedication of Law School) on 5/4/74	University of South Carolina Law Review, Vol. 26, p. 389
ABA Speech on 8/11/75	ABA Journal, Nov., 1975, Vol. 61, p. 1344
Virginia Historical Society on 1/26/76	The Virginia Magazine, April, 1976, Vol. 84, No. 2
ABA Speech on 8/11/76	62 ABA Journal, p. 1454 (1976)

*Dinner at Commonwealth
Club given in my
honor by United Virginia
Bank - December 1971.*

J. Harvie Wilkinson, Jr.

*These speeches
were taped.*

Dear Jack and Kay: Thank you very much, but Jack, you're not going to get off by shifting the burden of granting me equal time to an occasion for dear Lewis. I have my eyes set for you at some event when I hope you will least suspect it!

I would like to indulge in a prologue, for though there will be no stage tonight, I really think we ought to have the benefit of a prologue. I am indebted to Tennant Bryan, who passed on a clipping to Alan Donnahoe, who in turn passed it on to me this afternoon. I read you a paragraph from a publication called "The Alternative", January 1972. I had never heard of "The Alternative", but for my purposes there is no better alternative tonight! "Opposition to Powell was doomed from the outset. His introductory appearance before the Senate Judiciary Committee provides a glimpse of what the liberals were up against. Powell was accompanied by the entire Virginia Congressional delegation, two Senators and ten Representatives, including five Democrats. The Attorney General of Virginia, the President of Washington & Lee University, a brace of Law School Deans, four former Presidents of the American Bar Association, and a partridge in a pear tree. Powell himself had been President of both the ABA and the American College of Trial Lawyers. To cap it all off Powell had served for nearly three years as a combat intelligence officer in World War II, receiving the Legion of Merit and the Bronze Star. It is not recorded whether a choir of

angels actually made an appearance on Powell's behalf, but one seasoned Senator was heard to mumble under his breath, "Hell, he don't want to be confirmed. He wants to be canonized!" Not being of papal persuasion, it is not within my province to indulge in a canonization, but being of an imperious nature, I'm inclined to indulge in a coronation. I will therefore ask Tom Jarman to unveil the first of the pictures he has. It's called the Twelve Great Justices Of All Times. This is a blow-up from a Life Magazine caricature. Now, Tom, if you will unveil the next one, the coronation will have taken place -- the 13th Great Justice of all times! (A picture of Lewis Powell)

When Jack and Kay asked me to perform this both duty and pleasure tonight, I had very mixed emotions because as Jack has said Lewis and I have had a wonderfully warm and to me an exceedingly meaningful relationship. On the other hand, I was magnetized by the praise that Randall used. He said, "Harvie, you and Lewis have had virtually a partnership in life." This overwhelmed me because I realized that Hunton-Williams owes me one damn big percentage of back profits! And so, Merrill and dear Bob, I trust you will convert a reasonable amount of the firm's net worth to liabilities, called accounts payable! I'll have my accountants talk with you. Lewis, in reality, we really paid you in retrospect, it seems to me, the fees we have over the years more to keep you from joining with any opposition that might appear to us. We did not pay you, Heavens knows, for affirmative services, for as soon as you could really help us in what is called the Third Battle of Manassas you go and disqualify yourself!

As I have said, the occasion is indeed a mixed one for me, for there is double joy and sadness compounded. There is joy at the recognition of your

talents and sadness at the inevitable diminishment of our contacts with you.

And though being human we are sad tonight at your departure, we are reminded of the admonitions of the great Roman orator, Cicero, who, in that wonderful little essay "On Friendship", said, "Great anguish for one's own inconveniences is the mark of a man who loves not his friend but himself."

There are some things I remember so vividly from the days of our youth. I shall not relate them all to your embarrassment but there are one or two that the group here assembled I am sure would be interested in. We attended McGuire's School, now no longer extant for we could not produce progeny fast enough to sustain the school. There you received the foremost medal the institution had to offer, known as the Jack Gordon Memorial Medal, and I think always of you in that context. The medal was created because we had the honor system at the school and that had been a great tradition. On this particular day Headmaster John Peyton McGuire had come back into the room when there was a great deal of talking going on and he had asked for silence when he left the room. Upon his return he asked who started the talk. Nobody responded. Nothing more was said. He went to his home and that night at 1:00 A. M. he was awakened by the doorbell and there was Jack Gordon and his father. Mr. McGuire welcomed them in as only he would do, with complete mystification, I am sure, and Jack's father said, "Mr. McGuire, Jack did not report to you today that he was the one who started the conversation. And he came to say it and to tell you before the next sun was up." Well, this has been really a hallmark of your character all of your days. I don't think you would really know how to do anything wrong unless you assembled some of your more nefarious partners to contrive it for you.

I remember you at McGuire's as a first baseman. Your passion was to be a pitcher, which you son did do, with far greater distinction than you, and I can see you now with the same lanky frame you today possess stretching off first base, and there was always a damn gap between the bottom of your trousers and the top of your socks. But you seemed to me to be so very effective, and that has been a second hallmark of yours.

And my last recollection that I shall recite from our prep school days reflects from a group of us munching sandwiches as only boys can munch them. The vast majority of us were going to the University of Virginia. And we said, "Lewis, of course you are coming with us." He said that he would be going to Washington & Lee. And afterwards he and I were pattering around somewhere on the grounds and I said, "Why are you going to Washington & Lee?" He said, "There are just too many of us going to the University of Virginia and I think I should strike out on my own." And that, too, has been a great hallmark of your own because you have created your own path and you have stuck to it with assiduity.

The last recollection of childhood I shall bring forth, indeed it was young manhood, was a trip you took me on starting in Boston and we came to New York, Philadelphia, Washington, and finally, Richmond, and this involved a great compliment you paid me. You said, "Harvie, I've got all these girls and I want to make up my mind. It's time I got married. I want you to look at these girls. We'll spend a night or two in each town and go out and have some fun. I want you to advise me." Then I said, "Well, of course, you couldn't possibly have a better man because I have no prospects myself. I might pick up one of your discards!" So, we really traversed the Eastern Seaboard. The girls were obviously crazy

about Lewis, and I recite this because basically these gentlemen who have known you only as your judicial mien has grown (it has only been denied a beard and seeing Charles Evans Hughes in that caricature we look for that from you in due course), could not realize what a great ladies man you were in your twenties. To show you gentlemen how this very fact I have recited -- you think in jest -- had percolated North, at the Philip Morris Christmas luncheon (a significant occasion at which Lewis this past Wednesday was the honored guest and at which he received, among other things, this great robe), they told a story of Lewis' going to see Dr. Rucker, one of Virginia's most famous obstetricians. And here is how the story goes. Dr. Rucker said, "Lewis, what are you doing here?" Lewis responded, "I've come to see you personally", and Dr. Rucker, who, like most men in medicine, was exceedingly busy and said, "Go in and take off your clothes. I'll examine you. I can't talk to you until you take off your clothes." And he said, "What's the matter with you, Lewis?" And Lewis said, "I'll tell you, Dr. Rucker. I've got stars in my eyes and I can't see. I'm very much much in love." He said, "Oh, my goodness, Lewis, who are you in love with?" He said, "I'm in love with Josephine, your daughter." Dr. Rucker said, "Why, Lewis, I always knew you were a supreme courter!"

I shall not detail those biographical knowns -- your legal prowess, your distinguished war record, your many recorded and outstanding services to city, state and nation. These are clear to your admiring friends here assembled and are, as you are too modest to admit but instinctively must know, etched in our minds and our hearts. They are furthermore set down in the annals of recorded time. We, your friends, are here tonight to express our admiration

and indeed our affection for you and who would deny that friends are life's fairest furniture? With our admiration and affection we wish to undergird you as you enter the frays of the Court. Always be advised and know well we hold you in inestimable esteem as a man, a lawyer and a great friend.

When President Nixon nominated you for the Court, he coupled you with John Marshall. I doubt if the President was aware of two attributes of that well known man. On one occasion the Court during Marshall's period of administration concluded they were drinking too much and they imposed a rule on themselves that they would drink only when it was raining. When the Chief Justice felt the need for bourbon he would turn and say to his brother Justice, "Brother Taney, it's raining somewhere!" On another occasion the Great Chief Justice was in Philadelphia and at one of the inns with some friends. He was asked to compose a verse with the word paradox in it. He chanced to look out of the door at the time and saw two Kentucky colonel types at the bar of the inn and he quickly responded to the request of his friend:

In the blue grass region a paradox was born

The corn was full of kernels

And the colonels full of corn

And so you see, dear Lewis, the heritage to which you have been denominated the heir by no lesser a person than the President of the United States! And when we your friends call on you seriatim in the outer reaches of the Court, we expect you to have a bottle of bourbon in the bottom of your desk which you will bring out and say, "Brother Wilkinson, it's raining somewhere!"

Lewis, you have meant so much to the institution represented here this evening. Not only have you given us distinguished guidance legally, with Merrill and Bob doing all the work, but you have always manifested superb general judgment and that is not a trait found often, especially in brilliant men. You are gifted with it to a great degree and in our corporate councils in the future we shall vividly remember your talents and you as a leader amongst us. It is true you are appointed an Associate Justice of the Supreme Court of the United States. But we, who have Anglo-Saxon inheritance, have worked and played with you and believe deeply, with due deference to the Chief Justice, in the maxim of the Scots that wherever McGregor sits is the head of the table.

As you go to Washington we want you to carry abiding knowledge that we in Virginia could never say Adieu to you, only Au Revoir. As a light for your path, we want you to know that we who have lived with you are deeply persuaded that you are in the authentic tradition of the 18th Century giants from this state, and we send you forth as our most felicitous personification of Virginia once more in the 20th Century contributing her sons to the front of the national stage. As a member of the galaxy with which you will be associated, and here I pause to say I would not disappoint those who deem me a Latin scholar, you will scintillate and most surely be Primus Inter Pares. Corporately speaking -- in no sense personally -- we employ the words of one of the great Presidents of your university, who on a comparably sad occasion said to the remnants of the Army of Northern Virginia: "(We) bid you a fond and affectionate farewell."

Mr. Powell

*This is a tape
of my response
to J.H.W.'s speech.
As is obvious, I
had no notes*

Mr. Chairman, whether it be you Kay, or you Jack, or both of you, Jim, and Harvie and Ed, and old friends and colleagues, Harvie said I played first base. I've been caught off base tonight. He had a manuscript and I do not. We did take the same Latin courses at McGuire's, but he led the class and I was at the foot of it. Harvie, I do thank you very sincerely for about half of what you said. If I can edit that I may send it to my children.

Z.F.P.

I was interested in Harvie's reference to the Jack Gordon medal at McGuire's School. He eulogized that medal. The fact is that he received it the year before I did!

I was not too disappointed to be canonized here tonight, although I was a little unprepared for the exact form of it. I had expected rather something that related to Cool Green and in preparation for that I wore a Philip Morris robe. I think Gordon Crenshaw may appreciate this. I hope somebody will report to Joe Cullman that I wore it this evening. I'm to be sworn in at the Court on the 7th of January. I'm not quite sure yet whether I'll have the nerve to wear this up there.

I went into the Courtroom on Tuesday, the first time I had been to the Court since I was confirmed, and I noticed that all of the Justices have different chairs. And the only comfortable chair I've had since I've been

on the Board of State Planters Bank (I know that's the wrong terminology but I'm used to it) is the one that they finally bought about six months ago. It would be somewhat incongruous. All of the other chairs are black and this one is that sort of dirty brown. I've been giving some thought as to whether or not I might sort of change the color scheme up there.

The past few weeks have not been the easiest weeks in my life. I said to Alan in the presence of others during the cocktail hour that for reasons which I understand involve a lot of high politics I went through the confirmation process without the trauma that my fellow nominee suffered, and yet, it was not all without some disadvantages and a few darts and arrows were thrown here and there. I won't take your time to go into many of them, but I wish you could have heard the lady who represented Women's Lib, talking about your fellow Director. She called me a sexist and at first I thought that was a compliment! She then went on to say that she was opposed to me for a number of reasons, not the least of which was when I was President of the American Bar Association I had not supported a proposal that would have integrated restrooms for male and female patrons in all public facilities. And she was dead serious.

I was cornered in the corridors of the Senate Office Building by half a dozen or more Women's Lib people who ambushed me as I came out of a Senator's office late one afternoon and I had a rough experience. I started off on the wrong foot and was completely defeated. I tried to be agreeable and I said, "Ladies, I've been married 35 years, I have 3 daughters and 2 granddaughters, and I've got to be for you." And a spokesman for the

group looked at me without the slightest twinkle of humor and said, "That's what all you men say!"

When I saw these covered pictures over there, I had no idea what was in them. It sort of made me shiver a little because I thought with their white sheet covering they reminded one of the Ku Klux Klan and that reminded me of what was published in Alan Donnahoe's principal competitor's paper here in Richmond, the Afro-American, on November 6, 1971. The headline said, "Powell Termed a Court Choice." This goes on to say in talking about your law firm, Merrill, and your law firm, Bob -- no longer mine --, "This law firm provides legal services for the Richmond Klansmen as well as for the John Birch Society. The Birchites have the same credentials as the Klan except the white capes." And then after a few other generous comments the Afro-American article says, "Powell's legal firm is notorious for unsavory tactics and has often used the legal route to persecute the gospel ministry and the churches as well. It is quite evident that this firm had a strong control of the state police operations and of the trial justice courts as well." I hope you gentlemen will remember that. This is one of the best ads we ever had! "They have used false fines to discourage any person opposing the sins of Vepco." I don't quite understand that. "They have been instrumental in persons being fired from employment even in government civil service jobs. This man Powell is very subtle." Harvie, you didn't get this. "He assumes the role of saint on the outside whereas underneath he is a genuine racist. If there ever was one, some of our viewers even consider he is probably the Grand Dragon of the Klan in the State of Virginia." So you

can see why I was a little nervous when I came in here this evening. I saw those white sheets over there.

But the worst thing that happened to me (I'm not sure even tonight that my marriage remains on firm foundation) is a letter which came to me from the proprietor of a modest restaurant in New York, and I'll read you the entire letter, dated the very night of my nomination:

"Dear Mr. Powell:

We are delighted to learn that the President of the United States has nominated you for the Supreme Court. You have our warm, sincere wishes for a speedy confirmation and we hope that your new office will not keep you and Mrs. Powell from your regular visits with us every month."

Well, this friend of mine sent this letter to my residence and Jo opened it, and when I came home that night she said, "Lewis, the last time you took me there was two years ago!" I was in New York night before last and Jo was coming up to join me. I knew I had to do something. So I arranged it for her to come up on a later airplane and I went over to the restaurant and I gave the fellow \$100 and said, "Look, I'm bringing Mrs. Powell and my daughter over here tonight and I want you to say, 'I thought you were Mrs. Powell' ". Well, I won't bore you with our problems about that.

I'll be serious for about 2 minutes, and no more. This is an occasion both joyful and sad for me. And as the 3rd approaches when I go on your payroll publicly, going off of your payroll privately, I have the same sort of misgivings each of you would have if you were leaving: the associations of a lifetime and to a certain extent, the City of Richmond, the State of Virginia and the institutions

here with which you and I have been associated for many years, I think the President suggested I was not provincial. He doesn't know me very well. I am provincial and I have the deepest feeling for Virginia that I suppose any man could have. I have the same sort of feeling for our institutions and for the merit of our citizens. I'm sure they are just as great in Utah and perhaps in every other state, yet for me they are special here. And I have cherished the great privilege of having been born and raised here. I have spent all of my life here except for military service. I have considered it one of my greatest privileges to be associated with what I still think of as State Planters Bank, and more recently as UVB. In the course of a lawyer's life he, in the discharge of his duty, represents a good many people and occasionally a corporation or two, with whom he may have a little sympathy. Sometimes he represents business interests, the public usefulness of which he may question. Our legal system provides for and indeed depends upon the right of every individual and every corporate enterprise to be represented by counsel whose duty is to do the best he can to see that justice is done for that individual or for that entity. And I have felt about State Planters Bank and UVB ^{AND} more recently the constituent members of UVB, that we were leaders in a movement in Virginia which has been enormously beneficial to all of the people of this Commonwealth. And the gentlemen in this room, and if I may say so, particularly, the gentlemen at the head table plus three or four of you who are seated in front of me, provided the leadership for the great breakthrough in our state in expanding the type of banking services which have been so necessary for the future welfare of the Commonwealth.

And as I leave you I am proud to say that I have been a part of that movement.
I pass the baton on to Merrill and to Bob and I leave ^{WITH} a great confidence that
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I thank each and every one of you for coming this evening. I know
many of you have come from long distances and ^{AT} great inconvenience. I shall
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Dinner at Commonwealth Club given in my honor by United Virginia Bank - December 1971.

J. Harvie Wilkinson, Jr. These speeches were taped.

Dear Jack and Kay: Thank you very much, but Jack, you're not going to get off by shifting the burden of granting me equal time to an occasion for dear Lewis. I have my eyes set for you at some event when I hope you will least suspect it!

(My Response - pg)

I would like to indulge in a prologue, for though there will be no stage tonight, I really think we ought to have the benefit of a prologue. I am indebted to Tennant Bryan, who passed on a clipping to Alan Donnahoe, who in turn passed it on to me this afternoon. I read you a paragraph from a publication called "The Alternative", January 1972. I had never heard of "The Alternative", but for my purposes there is no better alternative tonight! "Opposition to Powell was doomed from the outset. His introductory appearance before the Senate Judiciary Committee provides a glimpse of what the liberals were up against. Powell was accompanied by the entire Virginia Congressional delegation, two Senators and ten Representatives, including five Democrats. The Attorney General of Virginia, the President of Washington & Lee University, a brace of Law School Deans, four former Presidents of the American Bar Association, and a partridge in a pear tree. Powell himself had been President of both the ABA and the American College of Trial Lawyers. To cap it all off Powell had served for nearly ^{four} three years as a combat intelligence officer in World War II, receiving the Legion of Merit and the Bronze Star. It is not recorded whether a choir of

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I remember you at McGuire's as a first baseman. Your passion was to be a pitcher, which your son did do, with far greater distinction than you, and I can see you now with the same lanky frame you today possess stretching off first base, and there was always a damn gap between the bottom of your trousers and the top of your socks. But you seemed to me to be so very effective, and that has been a second hallmark of yours.

And my last recollection that I shall recite from our prep school days reflects from a group of us munching sandwiches as only boys can munch them. The vast majority of us were going to the University of Virginia. And we said, "Lewis, of course you are coming with us." He said that he would be going to Washington & Lee. And afterwards he and I were puttering around somewhere on the grounds and I said, "Why are you going to Washington & Lee?" He said, "There are just too many of us going to the University of Virginia and I think I should strike out on my own." And that, too, has been a great hallmark of your own because you have created your own path and you have stuck to it with assiduity.

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I shall not detail those biographical knowns -- your legal prowess, your distinguished war record, your many recorded and outstanding services to city, state and nation. These are clear to your admiring friends here assembled and are, as you are too modest to admit but instinctively must know, etched in our minds and our hearts. They are furthermore set down in the annals of recorded time. We, your friends, are here tonight to express our admiration

and indeed our affection for you and who would deny that friends are life's fairest furniture? With our admiration and affection we wish to undergird you as you enter the frays of the Court. Always be advised and know well we hold you in inestimable esteem as a man, a lawyer and a great friend.

When President Nixon nominated you for the Court, he coupled you with John Marshall. I doubt if the President was aware of two attributes of that well known man. On one occasion the Court during Marshall's period of administration concluded they were drinking too much and they imposed a rule on themselves that they would drink only when it was raining. When the Chief Justice felt the need for bourbon he would turn and say to his brother Justice, "Brother Taney, it's raining somewhere!" On another occasion the Great Chief Justice was in Philadelphia and at one of the inns with some friends. He was asked to compose a verse with the word paradox in it. He chanced to look out of the door at the time and saw two Kentucky colonel types at the bar of the inn and he quickly responded to the request of his friend:

In the blue grass region a paradox was born

The corn was full of kernels

And the colonels full of corn

And so you see, dear Lewis, the heritage to which you have been denominated the heir by no lesser a person than the President of the United States! And when we your friends call on you seriatim in the outer reaches of the Court, we expect you to have a bottle of bourbon in the bottom of your desk which you will bring out and say, "Brother Wilkinson, it's raining somewhere!"

Lewis, you have meant so much to the institution represented here this evening. Not only have you given us distinguished guidance legally, with Merrill and Bob doing all the work, but you have always manifested superb general judgment and that is not a trait found often, especially in brilliant men. You are gifted with it to a great degree and in our corporate councils in the future we shall vividly remember your talents and you as a leader amongst us. It is true you are appointed an Associate Justice of the Supreme Court of the United States. But we, who have Anglo-Saxon inheritance, have worked and played with you and believe deeply, with due deference to the Chief Justice, in the maxim of the Scots that wherever McGregor sits is the head of the table.

As you go to Washington we want you to carry abiding knowledge that we in Virginia could never say Adieu to you, only Au Revoir. As a light for your path, we want you to know that we who have lived with you are deeply persuaded that you are in the authentic tradition of the 18th Century giants from this state, and we send you forth as our most felicitous personification of Virginia once more in the 20th Century contributing her sons to the front of the national stage. As a member of the galaxy with which you will be associated, and here I pause to say I would not disappoint those who deem me a Latin scholar, you will scintillate and most surely be Primus Inter Pares. Corporately speaking -- in no sense personally -- we employ the words of one of the great Presidents of your university, who on a comparably sad occasion said to the remnants of the Army of Northern Virginia: "(We) bid you a fond and affectionate farewell."

Mr. Powell

*This is a tape
of my response
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As is obvious, I
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Mr. Chairman, whether it be you Kay, or you Jack, or both of you, Jim, and Harvie and Ed, and old friends and colleagues, Harvie said I played first base. I've been caught off base tonight. He had a manuscript and I do not. We did take the same Latin courses at McGuire's, but he led the class and I was at the foot of it. Harvie, I do thank you very sincerely for about half of what you said. If I can edit that I may send it to my children. *Z.F.P.*

I was interested in Harvie's reference to the Jack Gordon medal at McGuire's School. He eulogized that medal. The fact is that he received it the year before I did!

I was not too disappointed to be canonized here tonight, although I was a little unprepared for the exact form of it. I had expected rather something that related to Cool Green and in preparation for that I wore a Philip Morris robe. I think Gordon Crenshaw may appreciate this. I hope somebody will report to Joe Cullman that I wore it this evening. I'm to be sworn in at the Court on the 7th of January. I'm not quite sure yet whether I'll have the nerve to wear this up there.

I went into the Courtroom on Tuesday, the first time I had been to the Court since I was confirmed, and I noticed that all of the Justices have different chairs. And the only comfortable chair I've had since I've been

on the Board of State Planters Bank (I know that's the wrong terminology but I'm used to it) is the one that they finally bought about six months ago. It would be somewhat incongruous. All of the other chairs are black and this one is that sort of dirty brown. I've been giving some thought as to whether or not I might sort of change the color scheme up there.

The past few weeks have not been the easiest weeks in my life. I said to Alan in the presence of others during the cocktail hour that for reasons which I understand involve a lot of high politics I went through the confirmation process without the trauma that my fellow nominee suffered, and yet, it was not all without some disadvantages and a few darts and arrows were thrown here and there. I won't take your time to go into many of them, but I wish you could have heard the lady who represented Women's Lib, talking about your fellow Director. She called me a sexist and at first I thought that was a compliment! She then went on to say that she was opposed to me for a number of reasons, not the least of which was when I was President of the American Bar Association I had not supported a proposal that would have integrated restrooms for male and female patrons in all public facilities. And she was dead serious.

I was cornered in the corridors of the Senate Office Building by half a dozen or more Women's Lib people who ambushed me as I came out of a Senator's office late one afternoon and I had a rough experience. I started off on the wrong foot and was completely defeated. I tried to be agreeable and I said, "Ladies, I've been married 35 years, I have 3 daughters and 2 granddaughters, and I've got to be for you." And a spokesman for the

group looked at me without the slightest twinkle of humor and said, "That's what all you men say!"

When I saw these covered pictures over there, I had no idea what was in them. It sort of made me shiver a little because I thought with their white sheet covering they reminded one of the Ku Klux Klan and that reminded me of what was published in Alan Donnahoe's principal competitor's paper here in Richmond, the Afro-American, on November 6, 1971. The headline said, "Powell Termed a Court Choice." This goes on to say in talking about your law firm, Merrill, and your law firm, Bob -- no longer mine --, "This law firm provides legal services for the Richmond Klansmen as well as for the John Birch Society. The Birchites have the same credentials as the Klan except the white capes." And then after a few other generous comments the Afro-American article says, "Powell's legal firm is notorious for unsavory tactics and has often used the legal route to persecute the gospel ministry and the churches as well. It is quite evident that this firm had a strong control of the state police operations and of the trial justice courts as well." I hope you gentlemen will remember that. This is one of the best ads we ever had! "They have used false fines to discourage any person opposing the sins of Vepco." I don't quite understand that. "They have been instrumental in persons being fired from employment even in government civil service jobs. This man Powell is very subtle." Harvie, you didn't get this. "He assumes the role of saint on the outside whereas underneath he is a genuine racist. If there ever was one, some of our viewers even consider he is probably the Grand Dragon of the Klan in the State of Virginia." So you

can see why I was a little nervous when I came in here this evening. I saw those white sheets over there.

But the worst thing that happened to me (I'm not sure even tonight that my marriage remains on firm foundation) is a letter which came to me from the proprietor of a modest restaurant in New York, and I'll read you the entire letter, dated the very night of my nomination:

"Dear Mr. Powell:

We are delighted to learn that the President of the United States has nominated you for the Supreme Court. You have our warm, sincere wishes for a speedy confirmation and we hope that your new office will not keep you and Mrs. Powell from your regular visits with us every month."

Well, this friend of mine sent this letter to my residence and Jo opened it, and when I came home that night she said, "Lewis, the last time you took me there was two years ago!" I was in New York night before last and Jo was coming up to join me. I knew I had to do something. So I arranged it for her to come up on a later airplane and I went over to the restaurant and I gave the fellow \$100 and said, "Look, I'm bringing Mrs. Powell and my daughter over here tonight and I want you to say, 'I thought you were Mrs. Powell' ". Well, I won't bore you with our problems about that.

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And as I leave you I am proud to say that I have been a part of that movement.

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December 1971

Speeches at "Testimonial Dinner"

J. Harvie Wilkinson, Jr.

Dear Jack and Kay: Thank you very much, but Jack, you're not going to get off by shifting the burden of granting me equal time to an occasion for dear Lewis. I have my eyes set for you at some event when I hope you will least suspect it!

I would like to indulge in a prologue, for though there will be no stage tonight, I really think we ought to have the benefit of a prologue. I am indebted to Tennant Bryan, who passed on a clipping to Alan Donnahoe, who in turn passed it on to me this afternoon. I read you a paragraph from a publication called "The Alternative", January 1972. I had never heard of "The Alternative", but for my purposes there is no better alternative tonight! "Opposition to Powell was doomed from the outset. His introductory appearance before the Senate Judiciary Committee provides a glimpse of what the liberals were up against. Powell was accompanied by the entire Virginia Congressional delegation, two Senators and ten Representatives, including five Democrats. The Attorney General of Virginia, the President of Washington & Lee University, a brace of Law School Deans, four former Presidents of the American Bar Association, and a partridge in a pear tree. Powell himself had been President of both the ABA and the American College of Trial Lawyers. To cap it all off Powell had served for nearly three years as a combat intelligence officer in World War II, receiving the Legion of Merit and the Bronze Star. It is not recorded whether a choir of

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When Jack and Kay asked me to perform this both duty and pleasure tonight, I had very mixed emotions because as Jack has said Lewis and I have had a wonderfully warm and to me an exceedingly meaningful relationship. On the other hand, I was magnetized by the praise that Randall used. He said, "Harvie, you and Lewis have had virtually a partnership in life." This overwhelmed me because I realized that Hunton-Williams owes me one damn big percentage of back profits! And so, Merrill and dear Bob, I trust you will convert a reasonable amount of the firm's net worth to liabilities, called accounts payable! I'll have my accountants talk with you. Lewis, in reality, we really paid you in retrospect, it seems to me, the fees we have over the years more to keep you from joining with any opposition that might appear to us. We did not pay you, Heavens knows, for affirmative services, for as soon as you could really help us in what is called the Third Battle of Manassas you go and disqualify yourself!

As I have said, the occasion is indeed a mixed one for me, for there is double joy and sadness compounded. There is joy at the recognition of your

talents and sadness at the inevitable diminishment of our contacts with you.

And though being human we are sad tonight at your departure, we are reminded of the admonitions of the great Roman orator, Cicero, who, in that wonderful little essay "On Friendship", said, "Great anguish for one's own inconveniences is the mark of a man who loves not his friend but himself."

There are some things I remember so vividly from the days of our youth. I shall not relate them all to your embarrassment but there are one or two that the group here assembled I am sure would be interested in. We attended McGuire's School, now no longer extant for we could not produce progeny fast enough to sustain the school. There you received the foremost medal the institution had to offer, known as the Jack Gordon Memorial Medal, and I think always of you in that context. The medal was created because we had the honor system at the school and that had been a great tradition. On this particular day Headmaster John Peyton McGuire had come back into the room when there was a great deal of talking going on and he had asked for silence when he left the room. Upon his return he asked who started the talk. Nobody responded. Nothing more was said. He went to his home and that night at 1:00 A. M. he was awakened by the doorbell and there was Jack Gordon and his father. Mr. McGuire welcomed them in as only he would do, with complete mystification, I am sure, and Jack's father said, "Mr. McGuire, Jack did not report to you today that he was the one who started the conversation. And he came to say it and to tell you before the next sun was up." Well, this has been really a hallmark of your character all of your days. I don't think you would really know how to do anything wrong unless you assembled some of your more nefarious partners to contrive it for you.

I remember you at McGuire's as a first baseman. Your passion was to be a pitcher, which you⁴ son did do, with far greater distinction than you, and I can see you now with the same lanky frame you today possess stretching off first base, and there was always a damn gap between the bottom of your trousers and the top of your socks. But you seemed to me to be so very effective, and that has been a second hallmark of yours.

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The last recollection of childhood I shall bring forth, indeed it was young manhood, was a trip you took me on starting in Boston and we came to New York, Philadelphia, Washington, and finally, Richmond, and this involved a great compliment you paid me. You said, "Harvie, I've got all these girls and I want to make up my mind. It's time I got married. I want you to look at these girls. We'll spend a night or two in each town and go out and have some fun. I want you to advise me." Then I said, "Well, of course, you couldn't possibly have a better man because I have no prospects myself. I might pick up one of your discards!" So, we really traversed the Eastern Seaboard. The girls were obviously crazy

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Mr. Powell

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I was not too disappointed to be canonized here tonight, although I was a little unprepared for the exact form of it. I had expected rather something that related to Cool Green and in preparation for that I wore a Philip Morris robe. I think Gordon Crenshaw may appreciate this. I hope somebody will report to Joe Cullman that I wore it this evening. I'm to be sworn in at the Court on the 7th of January. I'm not quite sure yet whether I'll have the nerve to wear this up there.

I went into the Courtroom on Tuesday, the first time I had been to the Court since I was confirmed, and I noticed that all of the Justices have different chairs. And the only comfortable chair I've had since I've been

on the Board of State Planters Bank (I know that's the wrong terminology but I'm used to it) is the one that they finally bought about six months ago. It would be somewhat incongruous. All of the other chairs are black and this one is that sort of dirty brown. I've been giving some thought as to whether or not I might sort of change the color scheme up there.

The past few weeks have not been the easiest weeks in my life. I said to Alan in the presence of others during the cocktail hour that for reasons which I understand involve a lot of high politics I went through the confirmation process without the trauma that my fellow nominee suffered, and yet, it was not all without some disadvantages and a few darts and arrows were thrown here and there. I won't take your time to go into many of them, but I wish you could have heard the lady who represented Women's Lib, talking about your fellow Director. She called me a sexist and at first I thought that was a compliment! She then went on to say that she was opposed to me for a number of reasons, not the least of which was when I was President of the American Bar Association I had not supported a proposal that would have integrated restrooms for male and female patrons in all public facilities. And she was dead serious.

I was cornered in the corridors of the Senate Office Building by half a dozen or more Women's Lib people who ambushed me as I came out of a Senator's office late one afternoon and I had a rough experience. I started off on the wrong foot and was completely defeated. I tried to be agreeable and I said, "Ladies, I've been married 35 years, I have 3 daughters and 2 granddaughters, and I've got to be for you." And a spokesman for the

group looked at me without the slightest twinkle of humor and said, "That's what all you men say!"

When I saw these covered pictures over there, I had no idea what was in them. It sort of made me shiver a little because I thought with their white sheet covering they reminded one of the Ku Klux Klan and that reminded me of what was published in Alan Donnahoe's principal competitor's paper here in Richmond, the Afro-American, on November 6, 1971. The headline said, "Powell Termed a Court Choice." This goes on to say in talking about your law firm, Merrill, and your law firm, Bob -- no longer mine --, "This law firm provides legal services for the Richmond Klansmen as well as for the John Birch Society. The Birchites have the same credentials as the Klan except the white capes." And then after a few other generous comments the Afro-American article says, "Powell's legal firm is notorious for unsavory tactics and has often used the legal route to persecute the gospel ministry and the churches as well. It is quite evident that this firm had a strong control of the state police operations and of the trial justice courts as well." I hope you gentlemen will remember that. This is one of the best ads we ever had! "They have used false fines to discourage any person opposing the sins of Vepco." I don't quite understand that. "They have been instrumental in persons being fired from employment even in government civil service jobs. This man Powell is very subtle." Harvie, you didn't get this. "He assumes the role of saint on the outside whereas underneath he is a genuine racist. If there ever was one, some of our viewers even consider he is probably the Grand Dragon of the Klan in the State of Virginia." So you

can see why I was a little nervous when I came in here this evening ^{AND} I
saw those white sheets over there.

But the worst thing that happened to me (I'm not sure even tonight that my marriage remains on firm foundation) is a letter which came to me from the proprietor of a modest restaurant in New York, and I'll read you the entire letter, dated the very night of my nomination:

"Dear Mr. Powell:

We are delighted to learn that the President of the United States has nominated you for the Supreme Court. You have our warm, sincere wishes for a speedy confirmation and we hope that your new office will not keep you and Mrs. Powell from your regular visits with us every month."

Well, this friend of mine sent this letter to my residence and Jo opened it, and when I came home that night she said, "Lewis, the last time you took me there was two years ago!" I was in New York night before last and Jo was coming up to join me. I knew I had to do something. So I arranged it for her to come up on a later airplane and I went over to the restaurant and I gave the fellow \$100 and said, "Look, I'm bringing Mrs. Powell and my daughter over here tonight and I want you to say, 'I thought you were Mrs. Powell' ". Well, I won't bore you with our problems about that.

I'll be serious for about 2 minutes, and no more. This is an occasion both joyful and sad for me. And as the 3rd approaches when I go on your payroll publicly, going off of your payroll privately, I have the same sort of misgivings each of you would have if you were leaving the associations of a lifetime and to a certain extent, the City of Richmond, the State of Virginia and the institutions

here with which you and I have been associated for many years, I think the President suggested I was not provincial. He doesn't know me very well. I am provincial and I have the deepest feeling for Virginia that I suppose any man could have. I have the same sort of feeling for our institutions and for the merit of our citizens. I'm sure they are just as great in Utah and perhaps in every other state, yet for me they are special here. And I have cherished the great privilege of having been born and raised here. I have spent all of my life here except for military service. I have considered it one of my greatest privileges to be associated with what I still think of as State Planters Bank, and more recently as UVB. In the course of a lawyer's life he, in the discharge of his duty, represents a good many people and occasionally a corporation or two, with whom he may have a little sympathy. Sometimes he represents business interests, the public usefulness of which he may question. Our legal system provides for and indeed depends upon the right of every individual and every corporate enterprise to be represented by counsel whose duty is to do the best he can to see that justice is done for that individual or for that entity. And I have felt about State Planters Bank and UVB more recently (the constituent members of UVB) that we were leaders in a movement in Virginia which has been enormously beneficial to all of the people of this Commonwealth. And the gentlemen in this room, and if I may say so, particularly, the gentlemen at the head table plus three or four of you who are seated in front of me, provided the leadership for the great breakthrough in our state in expanding the type of banking services which have been so necessary for the future welfare of the Commonwealth.

And as I leave you I am proud to say that I have been a part of that movement.
I pass the baton on to Merrill and to Bob and I leave ^{IN} ~~A~~ great confidence that
you will carry on.

I thank each and every one of you for coming this evening. I know
many of you have come from long distances and great inconvenience. I shall
long remember this evening. Thank you very much.