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Lewis F. Powell, Jr

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LEWIS F. POWELL, JR.

FREDERIC L. KIRGIS, JR.*

This issue of the *Washington and Lee Law Review* is dedicated to retired Justice Lewis F. Powell, Jr., distinguished jurist, honored man of the law, wise counselor, true gentleman.

We at Washington and Lee have a special claim to Justice Powell and he has a special claim to us. We claim him because he is one of us. He is a Phi Beta Kappa member of the Washington and Lee undergraduate class of 1929, and an Order of the Coif member of our law class of 1931. That he went on to become a distinguished national leader came as no surprise to anyone associated with Washington and Lee. He began by serving as President of the student body here, even as he earned his academic distinction. Later his wise counsel informed the decisions of our Board of Trustees, upon which he served for sixteen years, including the turbulent Vietnam years.

He has a special claim to us because he exemplifies what the Washington and Lee person aspires to be. Our challenge is to be like him. Few of us ever may serve our country with great distinction in time of national peril, as he did in World War II, or guide a public decision-making authority to a just and peaceful resolution of an emotionally charged civil rights conflict, as he did in Richmond after *Brown v. Board of Education*, or become the moderate voice on a divided United States Supreme Court, as he did for fifteen years. But all of us may reach for, and perhaps even grasp, his sense of honor and of duty to one's community and to the national public interest. All of us may hope for the touch of his genuine humility when we reach a place that gives us the power to affect other people's lives. All of us may reflect carefully, as he does, before we make a decision that could reverberate for good or for ill.

Those of us in academia recognize that Lewis Powell probably would not have been happy making a career in our academic world. He has needed

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to be more involved with public affairs, with conflict resolution when supreme interests are at stake, than most of us can be. Yet he is in a sense one of us, a scholar in the best sense of the word. He reflects long and hard about the great issues of his time and he makes reasoned arguments, in writing for all to read and criticize, setting forth his resolution of those issues. Some may disagree with his results, but such is the fate of scholarship. It is good scholarship if it rings true over time. Lewis Powell, scholar and jurist, has met and is still meeting that test.

We are proud to salute Justice Powell, the scholar and jurist, with an article written by his former law partner, George C. Freeman, Jr., discussing some thirty of Justice Powell's most significant constitutional opinions. As Mr. Freeman demonstrates, Justice Powell's contributions are destined to endure: they take account of our traditions even as they look to the future; they reflect careful concern for the facts of each case; and they strike balances that are workable as well as moderate.

It is most fitting that this issue of our scholarly publication should be dedicated to such a scholar of the real world, this Washington and Lee man, Lewis F. Powell, Jr.