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Lewis F. Powell, Jr.

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ROSS L. MALONE*

LEWIS F. POWELL, JR.**

It is most appropriate for Volume XXXII of the Law Review to be dedicated to Ross L. Malone. No alumnus has ever meant more to a university. At the time of his death, he was Rector of the Board of Trustees and, despite failing health and other heavy responsibilities, was devoting much of his time and waning energy to the University's future and its Development Program. Indeed, less than four weeks before his death, when one of less devotion would have accorded first consideration to his health, Ross Malone was in Lexington presiding over a joint meeting of the Board of Trustees and the Achievement Council.

But the focus of the dedication of this Volume of the Review is on Ross Malone as a lawyer. He graduated from Law School in 1932, after a record of leadership on the campus as well as in the classroom. He returned, at the depth of the Great Depression to Roswell, New Mexico, and entered the general practice of law at a time when a bare living was about the most that even the ablest young lawyer could attain from professional effort. By 1936 he had commenced his long career of public service in the role of City Attorney. A year later he joined another attorney and formed the law firm of Atwood & Malone. Except for service as a line officer in the Navy during World War II, attaining the rank of Lt. Commander, Ross Malone remained with his law firm for 30 years until 1967 when he became Vice President and General Counsel of General Motors Corporation. During those three decades, he served his state and country and the legal profession in a wide spectrum of demanding roles: as a member of the

*President, American Bar Association (1958-59); General Counsel and Vice-President, General Motors Corporation (1967-74); B.A., L.L.B. (1932), Washington & Lee University.

**Associate Justice, Supreme Court of the United States; President, American Bar Association (1964-65); B.S. (1929), L.L.B. (1931), Washington & Lee University; L.L.M. (1932), Harvard University.

New Mexico Board of Bar Examiners from 1949 to 1962; member of the law committee of the Interstate Oil Compact Commission; Chairman of the New Mexico Alien Enemy Hearing Board; member of President Johnson's National Commission on Law Enforcement and the Administration of Justice; and member of the National Bicentennial Commission also appointed by President Johnson.

The service by Ross Malone which first brought national attention and recognition was his appointment by President Truman in 1951 as Deputy Attorney General of the United States, the second highest office in the Department of Justice. He wrote at the time:

"I accepted the appointment only because I became convinced that there was a real service to be performed in trying to 'get the Department of Justice back on the track' and that I might be able to make a contribution to that end."

In addition to successful efforts to improve the internal administration of the Department, Ross Malone concerned himself particularly with improving the quality of the federal judiciary. It was he who originated the plan, since followed consistently by every Administration, of consultation by the Department with the Committee on the Federal Judiciary of the American Bar Association as to the qualifications of potential nominees for the federal bench.

The leadership of Ross Malone within the organized bar also is legendary. He was one of the youngest Presidents ever to serve the American Bar Association, and his record in that office set an example for all of those who have followed him. He later became President of the American Bar Foundation, the research affiliate of the ABA, and at the time of his death was the President Elect of the scholarly Institute of Judicial Administration. He found time also to serve as a Regent of the American College of Trial Lawyers, Trustee of the Southwestern Legal Foundation, and as a long-time member of the prestigious Council of the American Law Institute.

When General Motors Corporation decided in 1967 to seek a General Counsel from the practicing bar of the United States, it surveyed leaders of the bar in every section of the country. At that time, by general concession, Ross Malone was recognized as perhaps the ablest lawyer in the Southwest, specializing in litigation and oil and gas law. He also had demonstrated, both in government service and professional positions of responsibility, first-rate organizing and administrative ability. Although he was a "natural" for General Motors, I can testify—on the basis of conversations with him at the time—that his decision to leave the active practice and his native state, and to enter a new career as corporate counsel, was perhaps the most difficult of

his life. Yet, the new challenge and the opportunity to bring to the legal department of one of the great corporations the experience of a practicing lawyer, finally persuaded him to accept.

At General Motors, he headed a legal staff in size and diversity of demands upon it equivalent to that of the major law firms in our large metropolitan centers. But the success and security of his position of corporate eminence caused no lessening of his interest and concern for the legal profession and for Washington and Lee University. He continued to serve them both with characteristic wisdom, zeal and fidelity.

Ross Malone received many honors during the course of his illustrious career, among them being an honorary degree from Washington and Lee. In addition, he was awarded the Hatton W. Sumners Award by the Southwestern Legal Foundation for distinguished public service. The accolade which no doubt pleased him most came from the American Bar Association, its gold Medal and highest honor. This Medal is given only to persons who have "rendered exceptional and distinguished service to the cause of American jurisprudence." Although he knew of the award, it was not conferred formally until the Annual Meeting of the Association—four days after his death. In presenting the Medal, President Chesterfield Smith spoke of Ross Malone's "unequaled integrity and determination." The citation referred particularly to his contributions in improving continuing education for lawyers, and elevating standards of professional responsibility.

But to those of us privileged to know Ross Malone personally over a long span of years, his professional and public achievements—conspicuous as they were—were not nearly so important as were the human qualities of character and personality which made him so widely beloved. A gifted leader with an exceptionally high standard of duty, Ross Malone was respected and admired for his deep sense of responsibility, his courage and great wisdom, and perhaps most of all for his spirit of concern for and generosity toward all mankind.

No commentary on the life of this remarkable American would be complete without recognizing the vital supportive role of his wife, Ami, whom he married in 1934. She invariably accompanied her husband, on short and long trips alike, wherever his professional and public duties required him to go. She was intensely interested in all of his activities, and his friends were and are her friends. Ami Malone's devotion, graciousness and high intelligence contributed immeasurably—as he was proud to acknowledge—to her husband's total career.

I am reminded of some poetic lines beautifully written about another friend who died a few months earlier. They could well have been written about Ross Malone:

“Some say: there’s silence in the forest when wind and rain
prune the boughs of ash or oak and man hears it not nor cares.

“So be it.

“But let the great sequoia fall and all are made aware.

“The willows weep.

“For here the breadth of life, the span of time, the girth of
trunk and depth of root make tremors and echoes in the minds
and hearts and lives of us all.

“So be it.”*

*Written by a friend and neighbor of Dr. Kenneth Chorley, former distinguished President of Colonial Williamsburg, and read by the Rector at a memorial service for Dr. Chorley in Bruton Parish Church, Williamsburg, Virginia, May 18, 1974.