

*special  
memo*

EUGENE B. SYDNOR, JR.  
POST OFFICE BOX 1474  
RICHMOND, VIRGINIA 23212

October 3, 1972

The Honorable Lewis F. Powell, Jr.  
Associate Justice of the Supreme Court  
of the United States  
Washington, D.C.

Dear Lewis:

Attached is a copy of a letter which I have written to the Editor of the Richmond Times-Dispatch and which may appear sooner or later depending on the wishes of Ed Grimsley. I hope this will help to put the matter of the Anderson articles straight as far as Richmond is concerned.

Again I regret exceedingly that there was a slipup of an unknown nature by an unidentified staff member of the United States Chamber of Commerce in the unauthorized disclosure of your now famous memorandum, but at the same time there may be a silver lining to the cloud in that it has received wide publicity and distribution. The Chamber has already had a number of requests for the memorandum from individual businessmen as well as local and state chambers of commerce, and as we discussed on the telephone last week, there are plans for reprinting it and distributing it on a very wide scale throughout the country.

Lucy joins me in sending our very best wishes to you and Jo, and we hope to have the pleasure of seeing you again before long.

Sincerely yours,

*E. B. Sydnor*  
Eugene B. Sydnor, Jr.

*The letter and suitable editorial  
appeared today in the T-D, and I  
hope will help to set the record  
straight!*

EUGENE B. SYDNOR, JR.  
POST OFFICE BOX 1474  
RICHMOND, VIRGINIA 23212

October 2, 1972

The Editor  
Richmond Times-Dispatch  
Richmond, Virginia

Dear Sir:

Your news columns of September 29 carried a story regarding the unauthorized disclosure by syndicated columnist Jack Anderson of a confidential memorandum prepared for the United States Chamber of Commerce in August, 1971 by the distinguished Richmond attorney, Lewis F. Powell, Jr. Several months later Mr. Powell was nominated and confirmed as a Justice of the United States Supreme Court. In this memorandum Mr. Powell outlined a number of ways in which the American business community could effectively and also ethically and legally defend itself against the increasing attacks by so-called consumer advocates, ultra-liberal college professors, self-serving politicians as well as the even more radical spokesman of the New Left and other groups advocating far-reaching changes in our government.

Mr. Anderson quoted extensively from this lengthy memorandum prepared for confidential study by the United States Chamber, the largest federation of businessmen, local and state chambers of commerce, and national trade associations. In his attack on Justice Powell, Anderson also attempted to portray the National Chamber as the spokesman and conspirator of "Big Business", a favorite whipping-boy of this writer. He did not take the trouble to learn that of the Chamber's 44,000 direct business members, 85% have less than 25 employees. The Chamber can by no stretch of the imagination be fairly pictured as favoring Big Business, but rather it speaks for thousands of grassroots businessmen throughout the country, be they large or small.

Mr. Anderson's Washington Merrygoround columns of September 28 and 29 brought two wholly unjustified charges against Justice Powell. First, he implied that Mr. Powell had wrongfully withheld this memorandum from the FBI and the Senate Judiciary Committee in the course of the Senate confirmation proceedings after his appointment to the Supreme Court. However, the facts are that as a leading spokesman for education (as former

## II

Chairman of the Richmond City School Board and later of the Virginia State Board of Education and also as a former President of the American Bar Association), Mr. Powell had spoken out on many occasions on a number of matters covered in his memorandum to the Chamber. The public press not only printed news stories about these speeches, but the Richmond Newspapers Library files contain dozens of direct quotes and summaries of Justice Powell's talks to many organizations on a variety of subjects; these were readily available to the FBI and Senate Judiciary Committee members. Therefore, Mr. Powell's views regarding the urgent need for suitable and effective presentation of the American free enterprise system were widely known by anyone who wished to learn of them.

In a second charge, Mr. Anderson equates such support of our business economy as reprehensible to the extent that "it raises a question about his (Justice Powell's) fitness to decide any case involving business interests." Proceeding further, Mr. Anderson appeared to question whether "the battle [for the support of the American public] should be waged in the courts, on the campuses and in the media," as Justice Powell had suggested. However, in his own backing of liberal politicians and consumer crusaders, Anderson has applauded their use of the courts, campuses, and media. He therefore begs the question: What is wrong or improper for those with legitimate but differing views using the same methods in approaching the great questions of our day?

Mr. Anderson attempted by his unauthorized publishing of the confidential memorandum intended only for the use of the United States Chamber of Commerce, to smear a highly qualified and scrupulously ethical member of the Supreme Court. In my opinion, the overwhelming approval of the Senate last December (only one dissenting vote out of 90 case on the question of his confirmation) speaks much more loudly than Jack Anderson about the fitness of Justice Powell for his seat on our most important judicial body.

Furthermore, this memorandum was prepared after Justice Powell and I had discussed on a number of occasions the need for American businessmen, large and small, to wake up and tell their story and that of the three enterprise system in clear and forceful fashion. Unhappily many attacks upon businessmen and the free enterprise system have come in recent years through some of our schools and colleges. As Chairman of the Virginia State Board for Community Colleges for 7 years, I found it

### III

refreshing to discover that college faculties and students not involved in liberal arts, social and political sciences, etc. have generally a much more realistic appreciation of our free market economy than those in the Ivory Towers of the Ivy League and similar institutions. The Powell memorandum pointed out the importance of college faculties being reasonably balanced in their political and ideological views, if their students are to receive impartial views on the great questions facing our nation. There is abundant evidence that unhappily this is not true as Jeffrey Hart in his syndicated column in the Richmond News Leader of December 17, 1970 pointed out: in 1970 a widespread survey of 60,000 political science faculty members noted "70% approved of the emergence of radical student activism, as against 30% who disapproved". The same proportion held when they were asked to label themselves politically. Left and liberal drew about 70%, middle-of-the-road 20%, conservative 10%. At my own alma mater Princeton in 1968 80% of the faculty members supported Hubert Humphrey while Nixon and Dick Gregory (an ultra-liberal black candidate of a minor party) each got 10%. It is not difficult to imagine what the views of such a faculty will be on the often subjective topics of economics, politics, and the interpretation of history.

Mr. Powell's 1971 memorandum was intended for consideration by the Education Committee of the United States Chamber of Commerce (of which I am Chairman). The evaluation of his far-reaching ideas has understandably required lengthy consideration and the Chamber in fact has made no decision regarding their implementation. However, there is nothing improper or illegal in any of Justice Powell's suggestions for American business to stand up for our free enterprise economy. Mr. Anderson's attempt to pillory a great American may well prove a blessing in disguise. Hopefully the widespread publicity about the memorandum may wake up businessmen all over this country to the pressing need for prompt and effective implementation of these sound suggestions.

Respectfully,

Eugene B. Sydnor, Jr.