

CBC

MEMORANDUM

TO: Messrs. Buckley, Jeffries  
and Owens

DATE: November 12, 1973

FROM: Lewis F. Powell, Jr.

You may have seen, in the Post this morning, a story on a memorandum which attained some "notoriety" after I came on the bench through the courtesy of Jack Anderson. Attached hereto is a copy of the memorandum. I thought, in view of possible discussion among the clerks, it might be helpful if you knew exactly what I said and under what circumstances.

The memorandum originated, quite by accident, from a luncheon with a personal and family friend who had just recently been named Chairman of the Education Committee of the U. S. Chamber of Commerce. He told me of his newsresponsibilities and of a forthcoming meeting at which he had been asked to submit ideas as to what the Chamber might do to improve the climate of public opinion with respect to the free enterprise system. I "thought outloud" as to the source of the problem and possible remedial steps that might be considered in a broad educational effort by the Chamber. A few days later my friend (Mr. Sydnor) called me on a Friday, said he had the meeting scheduled for Monday, and could I possibly do him the favor of reducing my thoughts to a memorandum for him to use.

I agreed to do what I could (not as a professional employment but merely to comply with a friend's request)\*; thinking that I could get something out in an hour or two. As Sally will remember painfully, I was tied up with clients on Saturday morning and she and I worked some Saturday evening and most of Sunday morning to produce the attached memorandum.

Eugene Sydnor later told me that it fell almost "like a lead balloon" when he discussed it with his committee, as there was not great enthusiasm for <sup>under</sup> ~~undertaking~~ taking a program which might involve substantial increases in dues and also result in criticism. But, thanks to the new morality with respect to private papers and to the availability of xerox machines, some helpful friend passed a copy on to Jack Anderson, who ran a couple of fairly inflammatory columns on it without getting in touch with me or inquiring as to the circumstances under which it had been written.

But the Chamber was apparently impelled by the publicity to resurrect the memorandum and at least have it studied. I have not discussed any aspect of the memorandum's contents with any representative of the Chamber since coming on the Court.

I am glad, however, that I retained my small investment in xerox stock.

L. F. P., Jr.

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\*I have never represented the U. S. Chamber of Commerce.