

Powell's Lesson to Business Aired

By Jack Anderson

Shortly before his appointment to the Supreme Court, Justice Lewis F. Powell Jr. urged business leaders in a confidential memo to use the courts as a "social, economic and political" instrument.

He recommended a militant political action program, ranging from the courts to the campuses. His 33-page memo is now being circulated among top corporate executives by the U.S. Chamber of Commerce.

"Business must learn the lesson..." he wrote, "that political power is necessary; that such power must be assiduously cultivated; and that, when necessary, it must be used aggressively and with determination..."

"There should be no hesitation to attack the (Ralph) Naders, the (Herbert) Marcuses and others who openly seek destruction of the system. There should be not the slightest hesitation to press vigorously in all political arenas for support of the enterprise system. Nor should there be reluctance to penalize politically those who oppose it."

Using the Courts

In particular, Powell advocated that the businessmen's battle should be fought in the courts. "Under our constitutional system, especially with an activist-minded Supreme Court," he declared, "the judiciary may be the most impor-

tant instrument for social, economic and political change.

"Other organizations and groups, recognizing this, have been far more astute in exploiting judicial action than American business. Perhaps the most active exploiters of the judicial system have been groups ranging in political orientation from liberal to the far left..."

"Labor unions, civil rights groups and now the public-interest law firms are extremely active in the judicial arena. Their success, often at business' expense, has not been inconsequential."

"This is a vast area of opportunity for the Chamber," suggested Powell, "if it is willing to undertake the role of spokesman for American business and if, in turn, business is willing to provide the funds..."

"The Chamber would need a highly competent staff of lawyers. In special situations, it should be authorized to engage, to appear as counsel amicus in the Supreme Court, lawyers of national standing and reputation."

Powell's blunt proposal to use the courts, especially the Supreme Court, to champion big business was made two months before his own appointment to the Supreme Court. His ideas were contained in a memo, stamped "Confidential," which the FBI failed to turn up during its field investigation of Powell.

Senators, therefore, never got a chance to ask Powell

whether he might use his position on the Supreme Court to put his ideas into practice and to influence the court in behalf of business interests.

Powell is also a distinguished educator, who served on the Virginia Board of Education and as a trustee of Washington and Lee University. He was impressed with the need to mold pro-business attitudes at the high school and college level.

"Few things are more sanctified in American life," he wrote, "than academic freedom. It would be fatal to attack this as a principle." But he had some ideas for promoting "openness," "fairness" and "balance" on the campus.

Censoring Textbooks

"The Chamber," he urged, "should consider establishing a staff of highly qualified scholars in the social sciences who do believe in the system..."

"The staff of scholars (or preferably a panel of independent scholars) should evaluate social science textbooks, especially in economics, political science and sociology. This should be a continuing program..."

"There also should be a staff of speakers of the highest competency. These might include the scholars, and certainly those who speak for the Chamber would have to articulate the product of the scholars..."

"Perhaps the most funda-

mental problem is the imbalance of many faculties. Correcting this is indeed a long-range and difficult project. Yet, it should be undertaken as a part of an overall program. This would mean the urging of the need for faculty balance upon university administrators and boards of trustees.

"The methods to be employed require careful thought, and the obvious pitfalls must be avoided. Improper pressure would be counterproductive..."

"This is a long road and not one for the fainthearted. But if pursued with integrity and conviction, it could lead to a strengthening of both academic freedom on the campus and of the values which have made America the most productive of all societies."

Footnote: Powell drafted his memo originally for Eugene B. Sydnor, Jr., head of the Southern Department Stores chain, who is also a director of the U.S. Chamber of Commerce. It was Sydnor who got the Chamber interested in Powell's proposals. He was disturbed that we had obtained a copy of Powell's confidential memorandum. But he acknowledged it had been prepared by Powell, who agreed to reduce to writing their discussions on how to defend the free enterprise system. We made repeated attempts to reach Powell for his comment, but he never returned our calls.