

NEW TIMES  
**Lewis Franklin Powell Jr.**

By JOHN DARNTON

Lewis Franklin Powell Jr. could bring to the Supreme Court the Southern voice that President Nixon is looking for. But, assuming he is confirmed to the post he was named to last night, the Southern voice will have a soft and reasoning inflection that traces back to his native tidewater Virginia. In manners and polish, Mr. Powell fits comfortably into the image of the antebellum South. But in the moderation of his ideas and his approach to integration, he appears to belong more to what has been called "the new South."

While serving a nine-year term on the school board of Richmond, he quietly admitted Negroes to white schools in 1959; while the issue raged in other Virginia towns, no schools closed in Richmond.

Mr. Powell has never served on a court of law. He has, however, gained a reputation as a courtly and scholarly lawyer who would be as much at home in a classroom discussion of law theory as in a courtroom that puts the theories into practice.

#### Was A.B.A. President

From 1964 to 1965, he reached the pinnacle of the profession, as a lawyer, when he served as the 88th president of the American Bar Association.

He was installed in August during the association's annual meeting in New York. It was a time of growing alarm among lawyers and others at what many considered an increasing disregard for law and order. Racial clashes were common, with murders in the South and riots in the North. He said at the time, "that we are in a period in our country when respect for law and order is at a low ebb." His solution: "We need at all levels of society a sounder sense of values, with a far deeper concern for ethical and moral values."

This theme, of a delicate middle road between two opposing views in a time of increasing political and racial polarization, is essential to his views.

While openly and publicly shocked at the murder of three civil rights workers in Mississippi he also believes that demonstrators go beyond

their constitutional rights of free speech and petition "by occupying buildings and tying up traffic in the streets."

In speeches and testimony delivered while he was active with the bar association, Mr. Powell spoke out in favor of equal justice for the poor, against pre-trial publicity that jeopardizes the presumption of an accused person's innocence, and against "excessive tolerance" by parents, law officials and juries.

In 1964, he said that surveys had shown that "wealth, social position and race of clients may affect the standards of justice available." As a result, he said, "it is small wonder that the public at large should be less than enthusiastic about the administration of justice."

#### Scores Publicity Seekers

In 1966, he warned that "statements by overzealous or publicity-seeking police and prosecuting officials as to alleged confessions, incriminatory evidence, or to the effect that the case is 'open and shut' were jeopardizing the rights of the accused."

In particular, he cited the President Kennedy assassination case as an example of prejudicial pre-trial publicity, and added: "I blame lawyers first and the media second."

On another occasion, Mr. Powell said "we live in an age of excessive tolerance" that he said stemmed, in part, from paternal failure to assume "affirmative responsibility" for a child's education and "respect for law and the rights of others."

Mr. Powell was born in Suffolk, near Norfolk, on Sept. 19, 1907, and has lived most of his life in Richmond. He attended college and law school at Washington and Lee, in Lexington, Va., and earned a master's degree at Harvard Law School.

Since 1932 he has been associated in Richmond with one of Virginia's oldest law firms, Hunton, Williams, Gay, Powell & Gibson.

He and his wife, the former Josephine Pierce Rucker of Richmond, whom he married in 1936, have three daughters and one son. Their principal hobby is tennis, which they play as a doubles pair.

When his son, Lewis Franklin, was younger, his father organized and coached a team on which the son played—the Rothersey Rebels.