

5-4 Rulings Show Life, Powell Says

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MONTREAL, Aug. 11 (UPI)

—Supreme Court Justice Lewis F. Powell Jr. said today that narrow 5-to-4 rulings and strongly worded dissents are a sign of strength at the high court.

Powell told a meeting of the American Bar Association that differences of opinion, "indeed the strong differences evidenced by our dissents," are both inevitable and "reflect a strength—not a weakness—of the court."

Court critics have sometimes charged that 5-to-4 splits on the court in major decisions are a signal that the court is so divided it should not rule on novel issues.

But Powell said, "The very process of dissent tends to minimize arbitrary decision making, assures a rigorous internal testing of the majority view, and bespeaks the vitality of the court as an institution."

In a speech titled "Myths and Misconceptions" about the Supreme Court, Powell dismissed claims that there are liberal and conservative "blocs" on the court, especially since Richard M. Nixon named Powell and three others to the bench.

Powell admitted there are liberal and conservative justices, "but use of the term 'bloc' reflects a serious misconception of the way the court functions."

After a long weekend of speeches and panels on legal issues, culminated by Secretary of State Henry A. Kissinger's address today advocating international treaties to control the seas and space, the governing body of the ABA settled down to its formal chores.

The 340-member House of Delegates faces a host of resolutions. Approval by the house has no legal significance, except the prestige of backing by the nation's largest bar group.