

Judgment on Powell

To the Editor:

In Lewis F. Powell's article reprinted on your Op-Ed page of Nov. 3, he concludes his discussion of the rights of defendants in criminal cases by stating: "Rather than 'repressive criminal justice,' our system subordinates the safety of society to the rights of persons accused of crime. The need is for greater protection—not of criminals but of law-abiding citizens."

The second sentence voices the impeccable sentiment that "law-abiding citizens" need protection more than "criminals." The proper comparison, as Mr. Powell appears to recognize in the first sentence, is, of course, between the rights of "law-abiding citizens" and "persons accused of crime."

This shift of focus from the rights of "persons accused of crime" to the rights of "criminals" is, I trust, attributable to careless draftsmanship rather than to disingenuousness. In either case, this article, if typical of Mr. Powell's work, raises a question as to the soundness of the judgment of the American Bar Association Committee on Judicial Evaluation that Mr. Powell "meets high standards of professional competence, judicial temperament and integrity" in an "exceptional degree."

SEYMOUR SHERRIFF

Washington, Nov. 9, 1971