

NOV 11 1971

**Powell's Nomination**

To The Editor:

In his Nov. 3 Op-Ed article entitled "America Is Not a Repressive Society," Lewis Powell charged me with promoting the "propaganda of the radical left," because I expressed concern over the recent "contraction of our civil liberties." Mr. Powell has, however, wrenched my remarks out of context, as a representative quotation from my original article will demonstrate:

"The truth is that we are among the freest and least repressive societies in the world today and throughout history; that it is difficult to think of any other country that has allowed as much free speech, as much advocacy of revolution, or as much criticism of Government as ours does—even today.

... we must retain a sense of perspective about where we are; we must not deceive ourselves — or permit others to deceive us—into believing that we live under a totalitarian regime." (New York Times Book Review, Feb. 7, 1971.)

Mr. Powell also suggests that I am in agreement with Charles Reich's view that we are "at the brink of ...

a police state;" when, in fact, my article criticized Reich for that very statement. It is noteworthy that this very article elicited letters of praise—for its cautious and responsible tone—from two high-ranking current officials of the Justice Department. If Mr. Powell really believes that the views articulated in my article are indeed expressions of a radical left philosophy, then there is cause for concern about his judgment. If his mischaracterization of my views was the result of reliance on unchecked sources, then there is cause for concern about his professional work habits.

ALAN M. DERSHOWITZ  
Professor of Law, Harvard University  
Stanford, Calif., Nov. 4, 1971

To the Editor:

After reading, "America Is Not a Repressive Society" by Lewis E. Powell [Op-Ed Nov. 3]—nominee to the Supreme Court—I now know that this man is what our country needs: A fresh gust of clean air in a musty room.

ROBERT M. NIGRO  
Port Chester, N.Y., Nov. 3, 1971