Mr. Richard Ereault  
Manager of Community & Regional  
Development Group  
United States Chamber of Commerce  
1615 H. Street, N.W.  
Washington, D. C. 20006

Dear Dick:

In response to your request, the origin of the memorandum from Lewis F. Powell, Jr. to me dated August 23, 1971 (prior to Mr. Powell's nomination to the Court) is as follows:

Mr. Powell and I have been friends for years, and we have both worked in public education in Virginia. When I became Chairman of the Education Committee of the Chamber, I discussed with him various ways of providing for the public a more balanced view of the Free Enterprise System, which has been under considerable criticism for a number of years.

At my request Mr. Powell incorporated these possible approaches in a memorandum for the use of my committee. His suggestions covered a broad range of possible educational activities for study and consideration by the Education Committee and, if desired, by the Chamber's Board.

I felt, and still do, that the memorandum afforded a helpful checklist of educationally-oriented programs which the Chamber might consider.

Sincerely yours,

Eugene B. Sydnor, Jr.
Mr. Philip L. Geyelin
Editor of Editorial Page
Washington Post
1515 L Street, N. W.
Washington, D. C. 20005

Dear Mr. Geyelin:

Jack Anderson has done it again! Not satisfied with the Eagleton fiasco, he has now chosen to mount an attack on Justice Lewis Powell for the most unsubstantiated and trivial reasons.

It is still not illegal to defend the free enterprise system and the concept of individual liberty on which this country was founded; nor, fortunately, is it illegal or unethical for an attorney to advise his client on courses of action available within the framework of our laws to achieve an economic or social goal acceptable to a large segment of our citizenry.

An individual, a business, even a nation has the inherent right to fight for its survival: survival by legal methods yes, by law and order if you will, the right to use all legitimate means at their command to remain alive, free, viable, and of benefit to the rest of society.

Thus, it is with no question as to the correctness of the above that we ask, "What is wrong with Justice Lewis Powell's advice to business on how to survive and maintain its position in the American economy?" Which of the two premises is correct? To fight for survival and against carping non-constructive criticism or to make preparations for bankruptcy court.

We have been convinced for many years that the name of the game in our great country is the profit system. Even today, the devout communist realizes that individual enterprise and gain are of benefit to his country. So what is wrong with fighting for what is right.

The astute Justice has the "smarts" to clearly set forth the needs for business to stand up for its rights. Why should the business community not be entitled to the views of eminent counsel as to appropriate means to combat extremist fuzzy-headed concepts sometimes espoused by the likes of Ralph Nader and Jack Anderson. Why should business not be able to have an input to the courts, quasi-judicial bodies, and legislatures on the same basis as labor, the radicals, criminals and kooks. One thing Mr. Anderson can be sure of -- business will pay its own way and not get a free ride at the taxpayers expense.
The implication that Justice Powell advocated "censorship" of any kind is typical of the distorted sensationalism which characterizes Anderson and lately, to a great degree, many of the slanted articles and "revelations" appearing in the "Post".

These are the types of unwarranted smears which are bringing the media in this country to the point where no reader takes seriously anything he sees in the press or hears on TV/radio -- without several grains of both salt and aspirin.

Shame on both of you.

Sincerely,

[Signature]

Henry J. Cappello
General Counsel
NATIONAL SMALL BUSINESS ASSOCIATION

HJC/mra
cc: Justice Lewis Powell
    Jack Anderson
October 3, 1972

The Honorable Lewis F. Powell, Jr.
Associate Justice of the Supreme Court
of the United States
Washington, D.C.

Dear Lewis:

Attached is a copy of a letter which I have written to the Editor of the Richmond Times-Dispatch and which may appear sooner or later depending on the wishes of Ed Grimsley. I hope this will help to put the matter of the Anderson articles straight as far as Richmond is concerned.

Again I regret exceedingly that there was a slipup of an unknown nature by an unidentified staff member of the United States Chamber of Commerce in the unauthorized disclosure of your now famous memorandum, but at the same time there may be a silver lining to the cloud in that it has received wide publicity and distribution. The Chamber has already had a number of requests for the memorandum from individual businessmen as well as local and state chambers of commerce, and as we discussed on the telephone last week, there are plans for reprinting it and distributing it on a very wide scale throughout the country.

Lucy joins me in sending our very best wishes to you and Jo, and we hope to have the pleasure of seeing you again before long.

Sincerely yours,

[Signature]

Eugene B. Sydnor, Jr.

The letter and suitable editorial appeared today in the T-D, and I hope will help to set the record straight!
Eugene B. Sydnor, Jr.
Post Office Box 1474
Richmond, Virginia 23212

October 2, 1972

The Editor
Richmond Times-Dispatch
Richmond, Virginia

Dear Sir:

Your news columns of September 29 carried a story regarding
the unauthorized disclosure by syndicated columnist Jack
Anderson of a confidential memorandum prepared for the United
States Chamber of Commerce in August, 1971 by the distinguished
Richmond attorney, Lewis F. Powell, Jr. Several months later
Mr. Powell was nominated and confirmed as a Justice of the
United States Supreme Court. In this memorandum Mr. Powell
outlined a number of ways in which the American business
community could effectively and also ethically and legally
defend itself against the increasing attacks by so-called
consumer advocates, ultra-liberal college professors, self-
serving politicians as well as the even more radical spokesman
of the New Left and other groups advocating far-reaching changes
in our government.

Mr. Anderson quoted extensively from this lengthy memorandum
prepared for confidential study by the United States Chamber,
the largest federation of businessmen, local and state chambers
of commerce, and national trade associations. In his attack
on Justice Powell, Anderson also attempted to portray the
National Chamber as the spokesman and conspirator of "Big
Business", a favorite whipping-boy of this writer. He did not
take the trouble to learn that of the Chamber's 44,000 direct
business members, 85% have less than 25 employees. The Chamber
can by no stretch of the imagination be fairly pictured as
favoring Big Business, but rather it speaks for thousands of
grassroots businessmen throughout the country, be they large
or small.

Mr. Anderson's Washington Merrygoround columns of September 28
and 29 brought two wholly unjustified charges against Justice
Powell. First, he implied that Mr. Powell had wrongfully with-
held this memorandum from the FBI and the Senate Judiciary
Committee in the course of the Senate confirmation proceedings
after his appointment to the Supreme Court. However, the facts
are that as a leading spokesman for education (as former
Chairman of the Richmond City School Board and later of the Virginia State Board of Education and also as a former President of the American Bar Association), Mr. Powell had spoken out on many occasions on a number of matters covered in his memorandum to the Chamber. The public press not only printed news stories about these speeches, but the Richmond Newspapers Library files contain dozens of direct quotes and summaries of Justice Powell's talks to many organizations on a variety of subjects; these were readily available to the FBI and Senate Judiciary Committee members. Therefore, Mr. Powell's views regarding the urgent need for suitable and effective presentation of the American free enterprise system were widely known by anyone who wished to learn of them.

In a second charge, Mr. Anderson equates such support of our business economy as reprehensible to the extent that "it raises a question about his (Justice Powell's) fitness to decide any case involving business interests." Proceeding further, Mr. Anderson appeared to question whether "the battle for the support of the American public should be waged in the courts, on the campuses and in the media," as Justice Powell had suggested. However, in his own backing of liberal politicians and consumer crusaders, Anderson has applauded their use of the courts, campuses, and media. He therefore begs the question: What is wrong or improper for those with legitimate but differing views using the same methods in approaching the great questions of our day?

Mr. Anderson attempted by his unauthorized publishing of the confidential memorandum intended only for the use of the United States Chamber of Commerce, to smear a highly qualified and scrupulously ethical member of the Supreme Court. In my opinion, the overwhelming approval of the Senate last December (only one dissenting vote out of 90 on the question of his confirmation) speaks much more loudly than Jack Anderson about the fitness of Justice Powell for his seat on our most important judicial body.

Furthermore, this memorandum was prepared after Justice Powell and I had discussed on a number of occasions the need for American businessmen, large and small, to wake up and tell their story and that of the three enterprise system in clear and forceful fashion. Unhappily many attacks upon businessmen and the free enterprise system have come in recent years through some of our schools and colleges. As Chairman of the Virginia State Board for Community Colleges for 7 years, I found it
III

refreshing to discover that college faculties and students not involved in liberal arts, social and political sciences, etc. have generally a much more realistic appreciation of our free market economy than those in the Ivory Towers of the Ivy League and similar institutions. The Powell memorandum pointed out the importance of college faculties being reasonably balanced in their political and ideological views, if their students are to receive impartial views on the great questions facing our nation. There is abundant evidence that unhappily this is not true as Jeffrey Hart in his syndicated column in the Richmond News Leader of December 17, 1970 pointed out: in 1970 a widespread survey of 60,000 political science faculty members noted "70% approved of the emergence of radical student activism, as against 30% who disapproved". The same proportion held when they were asked to label themselves politically. Left and liberal drew about 70%, middle-of-the-road 20%, conservative 10%. At my own alma mater Princeton in 1968 80% of the faculty members supported Hubert Humphrey while Nixon and Dick Gregory (an ultra-liberal black candidate of a minor party) each got 10%. It is not difficult to imagine what the views of such a faculty will be on the often subjective topics of economics, politics, and the interpretation of history.

Mr. Powell's 1971 memorandum was intended for consideration by the Education Committee of the United States Chamber of Commerce (of which I am Chairman). The evaluation of his far-reaching ideas has understandably required lengthy consideration and the Chamber in fact has made no decision regarding their implementation. However, there is nothing improper or illegal in any of Justice Powell's suggestions for American business to stand up for our free enterprise economy. Mr. Anderson's attempt to pillory a great American may well prove a blessing in disguise. Hopefully the widespread publicity about the memorandum may wake up businessmen all over this country to the pressing need for prompt and effective implementation of these sound suggestions.

Respectfully,

Eugene B. Sydnor, Jr.
October 6, 1972

Dear Gene:

I so much appreciate yours of October 3, and also your spirited letter to the Editor of the Times Dispatch.

I have not yet seen the editorial. I am sure that your letter helped to stimulate it.

I think no great harm has come of Jack Anderson's "revelations", although I am sure some people will agree with Anderson's smears.

With appreciation and my best to you and Lucy.

As ever,

Mr. Eugene B. Sydnor, Jr.
P. O. Box 1474
Richmond, Virginia 23212

lfp/ss
October 20, 1972

Bernard G. Segal, Esquire
Schnader, Harrison, Segal & Lewis
1719 Packard Building
Philadelphia, Pennsylvania 19102

Dear Bernie:

Enclosed herewith is the letter which I sent off to the New York Times in re Mr. Justice Powell.

I imagine it probably will not be printed as it refers to an article dated September 29, 1972. I had hoped to get to it before this, but I was tied up in court trying a case in which your partner, Bernie Smolens, was ably and imaginatively representing the plaintiff.

Sincerely,

[Signature]

William T. Coleman, Jr.

WTC,JR:epe
October 19, 1972

The Editor
The New York Times
New York, New York

Dear Sir:

The Times for September 29, 1972, contained a news story by Fred P. Graham which commented upon a memorandum written by Justice Lewis F. Powell, Jr. of the Supreme Court of the United States at the time he was a practicing lawyer. According to the story, the memorandum urged the United States Chamber of Commerce "to mount a campaign to counter criticism of the free enterprise system in the schools and the news media -- particularly television." To me, this news story carried the indirect implication that the contents of this confidential memorandum reflected a disposition of Mr. Justice Powell which would influence his decision in cases involving business now before the Supreme Court.

I feel that the reference to this memorandum and the implications of the reference in the news article are misleading. They do not serve to advance rational discussion or an understanding of the performance of the Supreme Court.

Before his appointment to the Court Justice Powell, as a practicing lawyer, was under a professional duty to assist clients which he represented. This duty might well include giving the client, upon request, the best advice possible upon a given subject, regardless of the lawyer's personal views. The history of the Supreme Court shows clearly that lawyers appointed to the Supreme Court, most of whom were active as politicians, high elective or appointive government officials, law professors or practicing lawyers before their appointment, have often espoused positions in their new role as Judges which have been contrary to the views they expressed in their previous roles. Former
October 19, 1972

Chief Justice Hughes, as a practicing lawyer, actively represented some of the most important business interests in the country. His decisions as Chief Justice, however, were often directly contrary to at least the short run views of the business community at that time. The late Justice Jackson, while Solicitor General, issued an opinion which could have formed a basis for President Truman's subsequent seizure of the steel mills. However, Justice Jackson voted with a majority of the Supreme Court in determining that the seizure was unconstitutional. Again, a lack of understanding the nature of judicial decision is reflected in the comments of those who say that Justice Frankfurter became conservative after he became a Justice merely because some of his votes were not controlled by views he had expressed when a law professor or political advisor to Presidents Wilson and Roosevelt.

I did not agree with every position taken by Justice Powell when he was a practicing lawyer. I am certain I will not agree with every one of his positions as a Justice of the Supreme Court. However, I am fully confident that as a Justice he is and will be guided in his decisions by the facts of the case before him, the legal precedents which in his view govern those facts, and the mix of law, public policy and statesmanship which must be applied in deciding questions of public law and constitutional law. Mr. Justice Powell has been on the Court for less than a full term, but instances come to mind, even for that short time, in which his votes on the decision of a case were not such as would have been expected from a casual review of his opinions expressed as a practicing lawyer.

The most dramatic example relates to wiretapping. On November 3, 1971, the Times printed an article by attorney Powell supporting in a general way the use of wiretapping and minimizing its effect on civil liberties. On June 19, 1972, Justice Powell authored the unanimous decision of the Court in United States v. United States District Court, which prohibited the use of warrantless wiretapping in so-called "domestic security" cases. Justice Powell's opinion recognized the chilling effect of an unsupervised government use of wiretapping upon free speech and other First Amendment rights.
October 19, 1972

Let us consider another vital area of law. Attorney Powell was counsel for various school boards in Virginia. His name appeared on a friend of the court brief filed by the Commonwealth of Virginia in the case of Swann v. Charlotte-Mecklenberg Board of Education. That brief unsuccessfully urged the Supreme Court to limit the power of Federal courts to interfere with neighborhood schools and to require the busing of pupils. However, on September 1 of this year, Justice Powell, sitting as Circuit Justice, denied a stay of a desegregation order entered against Richmond County, Georgia. The request for a stay was based on section 803 of the Education Amendments of 1972, providing for stays pending appeal of orders requiring busing to achieve racial balance. In denying the request, Justice Powell relied chiefly on that part of the decision in the Swann case which held that similar language in the 1964 Civil Rights Act was not intended to apply to orders involving "de jure" segregation. Thus, in effect, he refused to interfere with immediate implementation of a busing order.

The Times has long performed an important public function by reporting fully and accurately the work of the Supreme Court. The work of that Court, as we know, often ranks in importance with that of the President and Congress. For this reason it is all the more important that news reporting of the work of the Supreme Court be fair and that individual Justices be evaluated on the basis of their performance on the Court. This end cannot be served by misleading inferences drawn from public positions which they may have taken as advocates before their appointment to the Court.

Very truly yours,

William T. Coleman, Jr.

WTC,JR:epe
Hon. Lewis F. Powell, Jr.
Justice
U.S. Supreme Court
Washington, D.C.

Dear Justice Powell:


It is simply excellent. You deserve the highest praise for your brilliant analysis of the problem and realistic suggestions for practical action.

Because of the similarity of problem-solution analysis, it occurred to me that you might be interested in an article of mine, The New Left and the Old Law, which attempted in April 1969 the same type of trailblazing effort as yours, only for the legal profession.

If your busy schedule permits, I would deeply appreciate any comments you might have on my essay. Though the matrix of violence on campus has somewhat dissipated, I believe the positive recommendations are still viable, since the ideological misunderstanding of America is still quite prevalent. So, if you feel the essay has any merit, feel free to pass it on to whoever would find it useful.

Best wishes.

Sincerely,

William A. Stanmeyer

WAS/js
Enc.
Chamber trade mission

U.S. must avoid protectionism, become better trade partner

ROME—Unless Congress equips the U.S. Government with authority to seek more liberal arrangements in trade negotiations next fall, America's ability to maintain a high level of prosperity and job development will be jeopardized over the long run.

Avoiding protectionist legislation of the type exemplified by the Burke-Hartke bill is not enough, warned the executive vice president of the National Chamber, Arch Booth.

He asserted that positive steps must be taken by the United States to become more of a trading nation and seek accommodation with the growing European economic community. Only in this way can the U.S. maintain its strength in the world economy and thereby assure prosperity at home.

Mr. Booth expressed his views in a statement released here at the conclusion of a National Chamber mission that took him to meetings in nine cities in six countries to discuss trade, investment and monetary problems with government and business leaders, both American and European, and officials of international organizations, including the European Community.

Meetings were held in London, Paris, Frankfurt, Bonn, Brussels, Zurich, Geneva, Milan and Rome.

In a fitting climax, Mr. Booth extended his itinerary to Madrid where he met and conferred with members of 11 West European and Mediterranean countries.

A report on the Chamber mission's findings has been requested by President Nixon. The report will also be presented to leaders in Congress and American business with specific recommendations. Mr. Booth's statement:

"One of our major findings from this mission is that Europeans are not convinced that we in the United States are serious about trade negotiations. They would like to see concrete evidence that we really mean business. Thus, our main task is to go back to the U.S. and secure a broad mandate from Congress that will allow us to participate meaningfully in trade negotiations next fall."

(Turn page)

Powell Memorandum

Kilpatrick answers Jack Anderson

I'm James J. Kilpatrick.

Columnist Jack Anderson recently turned up a memorandum stamped "Confidential" that Supreme Court Justice Lewis F. Powell wrote in the summer of 1971. This was about two months before he was nominated to the high court, at a time when he was Private Citizen Powell, a highly-respected corporation lawyer in Richmond, Virginia.

Anderson's implication is that there was something very wrong with what Powell was suggesting to the business community at that time.

My answer to Jack Anderson is, "Nuts!"

Powell's advice was sound then and it is sound now. Writing as a private citizen, Powell advised businessmen to get on the offensive against those socialist-liberal forces whose avowed objective is to destroy the private enterprise system. He specifically advised businessmen to get into the courts.

(Turn page)
Mission (continued)

"Until now our main effort at home has been to prevent protectionist legislation of the type contained in the Burke-Hartke bill. That is not enough. We must obtain from Congress new authority for our government to negotiate more liberal trading arrangements with other countries.

"Unless we produce evidence that we are interested in meaningful reciprocal multilateral trade talks—and enter into serious negotiations—the tendency of the community to make special preferential agreements and to follow other practices harmful to America's economic interests will increase.

"Detailed recommendations will be included in our report following careful study. Tentatively, recommendations among the following lines seem imperative:

1. "That the U.S. Congress enact a trade bill empowering our government to enter into effective negotiations for new trade agreements next fall. This bill should grant the President authority to negotiate tariff reductions and eliminate nontariff barriers. It should include broad negotiating authority in both industrial goods and agricultural commodities.

2. "That a system of generalized tariff preferences on U.S. imports of manufactured goods from developing countries be instituted in concert with other industrialized countries.

3. "Revisit U.S. antitrust laws so as to give U.S. companies exporting and investing abroad more freedom to operate competitively.

4. "Develop a wider export consciousness and improved export techniques among domestic American firms as opposed to relying largely on export services by U.S. Government personnel abroad.

5. "Start negotiations immediately to harmonize national environmental control policies so as to minimize inequitable effects of different national standards on trade flows.

6. "Continue to provide a climate for nondiscriminatory tax treatment for American exporters and investors overseas."

Powell Memorandum (continued)

"Under our constitutional system," he wrote, "especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic and political change."

Well, I would ask my Brother Anderson: "What in the world is wrong with that advice?"

It is perfectly true. An activist Supreme Court has indeed become an important instrument for social, economic and political change. And it is equally true, as Private Citizen Powell said, that forces antagonistic to business for years have been using the courts to obtain their objectives.

Powell also suggested that business leaders set up a committee of outstanding independent scholars to examine textbooks in economics, political science and sociology.

I ask again: "What's wrong with that?" Every person with sense enough to come in out of the rain knows these textbooks are predominantly biased against the free enterprise system and in favor of socialism in some degree. All Powell was urging was a fair balance.

Powell in private life was not only lawyer, but educator also. His dedication to true academic freedom needs no defense. But he was exactly right in his memorandum in saying that businessmen and conservatives generally should use their influence to get more conservatives on college faculties. Again, all Powell asked was balance. At present the ratio of liberal to conservative professors is about 99 to 1.

If business leaders have any sense—and this is sometimes doubtful—they will write to the Chamber of Commerce of the United States for a complete text of the Powell memorandum.

It may have been written when he was simply "Mister" Powell, but "Justice" Powell will never write a better opinion. I'm Jack J. Kilpatrick with SPECTRUM, CBS radio.
October 25, 1972

Mr. Eugene Sydnor, Jr.
President, Southern Department Stores
Richmond, Virginia

Dear Mr. Sydnor:

I have just read the August, 1971, article of Justice Lewis Powell's evaluation of our American business situation. It is the best article I have ever read that summarizes where we stand and where we are heading. I feel much better in knowing that President Nixon has appointed a person of Mr. Powell's conviction to the highest court.

I am requesting a number of copies of this report to be sent to all our distributors and cooperators in our business of providing agricultural chemicals for crop production in the Southeast. I feel a national movement is needed at all levels to make people become more aware and to GET INVOLVED.

We, in the agricultural chemical business, are very definitely in the situation as discussed by Mr. Powell as we continue to defend against the Naders and others but not at the aggressive pace needed. I hope our governing body in the National Agricultural Chemical Association will become more aggressive and establish stronger policies as Mr. Powell relates to the total industry picture.

Hopefully, much of the plan as suggested by Mr. Powell can be implemented in the near future, and we can see a turn-around point in our business philosophies.

I'm sending a copy of this letter to Mr. Powell as a "chip" of appreciation and hope we can get enough "chips" to build a giant tree toward giving our nation the right and deserved attitude of our great free enterprise system.

Sincerely,

A. B. Rogerson
Southern Regional Manager
Research and Development

cc: Honorable Lewis F. Powell
U.S. Supreme Court
Washington, D.C.
October 26, 1972

Arthur J. Brandt, Jr.
P.O. Box 325
Bloomfield Hills, Michigan 48013

Associate Justice Lewis F. Powell, Jr.
U.S. Supreme Court
Washington, D.C.

Dear Justice Powell:

I was interested in reading the memorandum you wrote for the U.S. Chamber of Commerce and recently published by Human Events.

I think you have done a fine job in pointing out the deficiencies of the Free Enterprise System, not telling its own story, and in effect participating in its own destruction.

I am sure you must be aware that Alice Widener, the publisher of U.S.A. magazine, has documented Ralph Nader's affiliations with the Socialist movement and they are many. As you emphasize, Nader is probably the most effective American business antagonist, but nobody goes on to say that the guy is a Socialist. I have tried in my own small way to get General Motors to bring this out by distributing Mrs. Widener's essay on Nader to its dealerships - but no takers.

In the discussion of the problems to the Chamber you suggested a panel of independent scholars to evaluate social science textbooks. It brought into mind the question as to whether or not you are familiar to the work done by America's Future, Inc., of New Rochelle, N.Y. They do just this, and I think very effectively. Although, it may not be as two sided as you might suggest. In order to counter-balance the four decades of socialistic education fed to the students and who are now adults in America, it is going to take a massive effort on the Conservative side to change their thinking.

I can understand why Jack Anderson might attack you as being unfit for the Supreme Court, because at the time he wrote about the so-called "Confidential Memo" really nobody aside from Chamber officials probably had seen it. Since they requested it, it is understandable that it should have been kept within their purview. Since he has brought it to light, and I am sure he is a dedicated Socialist, he can make the charge and get away with it because nobody had seen it. That is par for the course and its associates. I agree wholeheartedly with what you have said, and have for many years. I just hope somebody takes it to heart and does something about it.

Sincerely,

Arthur J. Brandt, Jr.

AJB/jar

P.S. As a matter of interest we had some legal work in Virginia several years ago, and it was through my friend Betsy Osth of Berryville that I was led to Lucas Phillips of Leesburg who is a member of the Virginia House of Delegates. He is a fine lawyer and a very dedicated Conservative. Perhaps you know him.
October 26, 1972

Dear Mr. Justice Powell:

Just recently I had the opportunity to read James J. Kilpatrick's article entitled, "Justice Powell's Private Opinion," and I just want you to know that I think you have made a great statement -- I agree with you wholeheartedly!

Sincerely,

Prime F. Osborn

The Honorable Lewis F. Powell
Associate Justice
Supreme Court of the United States
Washington, D. C.
The Honorable Lewis F. Powell  
Justice of the Supreme Court  
Washington, D. C.

October 30, 1972

Dear Justice Powell:

In connection with the various business magazines, banking journals, etc. that cross my desk . . . I particularly enjoyed receiving the attached Washington Report the other day.

I was interested in reading your memorandum and of course the comments by James Kilpatrick as per the attached.

I do believe the banner should be taken up by business and the word gotten across to the public that we're really not so bad! I do hope all is going well with you and your family and hope that our paths will be crossing again before too long -- either in New York or in Lexington.

With every good wish,

Sincerely,

Oliver M. Mendell

OMM:jb
November 1, 1972

Mr. Justice Powell
Supreme Court of the United States
Washington, D. C. 20543

Dear Lewis:

In accordance with our conversation in Chicago, I enclose copies of letter of October 19th from William T. Coleman, Jr. to the editor of the New York Times and of Bill Coleman's letter of October 20th to me.

It was certainly good seeing you in Chicago. Knowing your present pressures, I certainly admire you for having made the trip to be with us Friday evening and Saturday morning. As you urged, I shall overcome my reluctance to call you for lunch or dinner when I am in Washington, this on the basis of your pledge to let me know without hesitation that you are too busy or otherwise occupied.

With my warm regards,

Sincerely yours,

Bernard G. Segal

BGS/jt

Enclosure
November 8, 1972

Dear Bill:

Bernie Segal has been good enough to send me a copy of your letter of October 19 to the New York Times.

I write to say that I deeply appreciate your going to this trouble, and particularly your writing about me so generously.

With my best wishes.

Sincerely,

William T. Coleman, Jr., Esquire
2600 The Fidelity Building
Philadelphia, Pennsylvania 19109

Ifp/ss

Hon. Bernard G. Segal
November 8, 1972

Dear Bernie:

I am delighted to have - for my permanent archives - a copy of Bill Coleman's splendid letter. This was an extremely thoughtful thing for him to do.

I neglected to send you, as promised, copies of three editorials which friends have sent in to me.

As ever,

Hon. Bernard G. Segal
1719 Packard Building
Philadelphia, Pennsylvania 19102

Ifp/ss
Enc.
November 15, 1972.

Mr. Justice Powell
Supreme Court of the United States,
Washington, D. C. 20543

Dear Lewis:

Thank you for sending the three editorials to me. They were most perceptive and really hit their target. Sometimes I think that the best comment on a silly item like the one on your memorandum to an official of the United States Chamber of Commerce is the type of ridicule in the editorial of the Boston Herald Traveler.

With best regards,

Sincerely yours,

Bernard G. Segal
16 November 1972

The Honorable Lewis F. Powell, Jr.
Associate Justice,
Supreme Court of the United States of America,
Washington, D.C. 20543

Dear Mr. Justice Powell:

With great interest and much concern I have read and pondered your recently-released confidential memorandum of August 23, 1971 to Mr. Eugene B. Sydnor, Jr. of the U.S. Chamber of Commerce entitled "ATTACK ON AMERICAN FREE ENTERPRISE SYSTEM."

In view of my unusual background and experience the points you made in your memorandum had particular significance for me, a long-time student of Soviet affairs.

Would your busy schedule permit a short visit with me to discuss implementation of the undertakings you recommended to the U.S. Chamber of Commerce from the standpoint of our current United States Government posture vis-a-vis the Soviet Union? I enclose a curriculum vitae for your use in the hope that you might be sufficiently interested in me to work such a visit into your schedule before Christmas.

Thank you for considering my request.

Sincerely yours,

John Nelson Washburn

Enclosure: curriculum vitae
November 12, 1972

Curriculum Vitae of JOHN NELSON WASHBURN, LL.B., Ph.D., Soviet Affairs Specialist

Personal Information:

Home-Office Address and Telephone: 1823 Quincy St., N.W., Washington, D.C. 20011
(202) 682-1076

Citizenship: Date, Place of Birth: American; October 11, 1923, Ottawa, Kansas
Family Status: Married to Amanda Barlow Foster June 18, 1960;
Our daughter, Deana Davis Washburn, was born October 9, 1962

Education:

Ecole Alsacienne, Paris, France, 1929-1930;
Hanover (N.H.) Grade School and High School, 1930-1939;
The Phillips Exeter Academy, Exeter, N.H., 1939-1941;

Dartmouth College, Hanover, N.H., 1941-1942;
Cornell University, Ithaca, N.Y., January-June 1943
(American Council of Learned Societies, Intensive Russian Program);
Princeton University, Princeton, N.J., January-March 1944
(US Army, Turkish Area and Language Specialized Training Program);
Cornell University, Ithaca, N.Y., May-July 1945
(US Army, Intensive Russian Program);
Dartmouth College, Hanover, N.H., July-September 1946
(A.B. awarded summa cum laude September 30, 1946 - Phi Beta Kappa);

Johns Hopkins University School of Advanced International Studies, 1946-1947
(A.M. awarded May 31, 1947);

Columbia University in the City of New York, 1947-1950
(Russian Institute Certificate awarded June 1, 1949);

University of Michigan Law School, 1955-1957
(LL.B. awarded August 30, 1957);
Columbia University in the City of New York, 1957-1970
(Ph.D. awarded October 1, 1970).

Military Service:

In US Army from August 24, 1943 to February 21, 1946 -- honorably discharged as Pfc
after infantry basic training at Ft. Benning, Ga., advanced training as French and
Russian interpreter at Cp. Ritchie, Md., and service at headquarters of 2nd Bn.,
32nd Inf. Regt., 7th Inf. Div., in Kaesong, Korea, at 38th parallel dividing Soviet
and US Korean occupation forces.

Educational Role in American Bar Association:

Upon admission to practice law in Kansas, February 12, 1958, I became an Attorney-
Adviser(Interational) in the Office of the Legal Adviser, Department of State. In
that capacity I was admitted to practice in the District of Columbia in 1961. On
April 9, 1962 I was admitted to practice in the Supreme Court of the United States
of America. After entering the Office of the Legal Adviser I joined the American
Bar Association. Having become active in its Section of International and Comparativ
Law, currently known as the Section of International Law, I was named Chairman of
the Subcommittee on Europe and Scandinavia in the summer of 1967. Two years later
I was made Chairman of the Committee on Regional Treaty Organizations. As I start
my third year in this position, I am even more strongly committed to a program of
educating the American people in general and the Bench and Bar in particular to very
real dangers to America's freedoms emanating from the Kremlin. Several of my recent
articles in the Section's principal publication - The International Lawyer - had this
particular function. Lewis Powell's pungent memorandum of August 23, 1971 to Eugene
Sydnor, Chairman, Education Committee, US Chamber of Commerce, points up the need for
vigilance on this inadequately defended sector of American life.
Experience with Publications:


Career History and Employment (commencing with present activity):

**Free-lance writer**, 1972: During November-December I shall prepare a draft manuscript on "The Distortion of America's Image in Theaters of the USSR Over Five Decades and During 1972" from my outline as approved by the Standing Committee on Education About Communism and its Contrast with Liberty Under Law, American Bar Association;

**Department of State, 1971-1972**: Contract Escort Russian Interpreter, Language Services Division, which assigned me to be:
- Escort Officer and Russian Interpreter for USSR Educational Delegation, 1971;
- Russian Interpreter for USSR Merchant Marine Delegation, 1972;
- Escort Officer and Russian Interpreter for USSR Microbiology Delegation, 1972;

**Earhart Foundation of Ann Arbor, Michigan, 1971-1972**: Grantee preparing one book and two articles focusing on the 1968-1971 role in world diplomacy of the People's Republic of Albania, of which one article has appeared (The International Lawyer, October 1972);

**Department of State, 1970-1971**: Foreign Affairs Officer (Consultant), Office of the Assistant Secretary of State for Educational and Cultural Affairs;

**Commonwealth of Massachusetts, 1967-1969**: Technical Consultant for State and Federal Regulatory Agencies, Office of Planning and Program Coordination, Executive Office for Administration and Finance, Boston, Massachusetts;

**Communications Satellite Corporation, 1966-1967**: International Agreements Specialist, engaged to draft CCIR positions on "definitive arrangements" for INTELSAT;

**Department of State, 1958-1966**: Attorney-Adviser (International), Office of the Legal Adviser, where my special assignments included:
- Escort Officer and Russian Interpreter for USSR Junior All-Star Hockey Team, 1960-1961;
- Legal Adviser to US Representative on UN Human Rights Committee, 1961;
- Adviser on US Delegation, UN Conference on Consular Relations, Vienna, Austria, 1963;
- Escort Officer and Russian Interpreter for USSR Film Specialists' Delegation, 1964;
- US Expert, NATO Group of Legal Experts on Malta, NATO Headquarters, Paris, France, Meetings of October 8 and November 12, 1964;

**Free-lance writer, 1954-1955**: During these months I prepared several articles published in World Tennis as well as "Sport as a Soviet Tool," published in Foreign Affairs;

**Central Intelligence Agency, 1953-1954**: Intelligence Officer, Washington, D.C.;

**Dartmouth College, 1950-1953**: Instructor in Russian, Department of Russian Civilization.
November 20, 1972

Dear Frank:

Thank you for your interesting letter of November 15.

In view, however, of my present status as a "neutral and detached" judge on every subject and issue, I have consistently declined to discuss the Chamber of Commerce memorandum written before I came on the Court.

I wrote the memorandum at the request of Eugene B. Sydnor, Chairman of the Education Committee of the Chamber. I am sure you met Gene, a prominent Virginia businessman and former member of the Virginia Senate. He is a member of the Forum Club which you have addressed, and a friend of Tennant Bryan and Jim Wheat and others in Richmond whom you know. You may wish to get in touch with Gene.

I miss seeing you and other old friends.

Sincerely,

Mr. Frank R. Barnett, President
National Strategy Information Center
130 East 67th Street
New York, New York 10021

LFP, Jr.:pls
cc: Mr. Eugene B. Sydnor, Jr.
November 21, 1972

Dear Mr. Washburn:

Thank you for your letter of November 16.

Now that I am on the Court, I no longer feel free to discuss issues which may be deemed controversial. Accordingly, I have followed the policy of not discussing my memo to Mr. Sydnor.

With best wishes.

Sincerely,

Mr. John Nelson Washburn
1623 Quincy Street, N.W.
Washington, D.C. 20011

LFP, Jr.:pls
November 22, 1972

Dear Lewis,

Thank you very much for sending me copies of your recent letters to Messrs. Barnett and St. John. I shall hope to have an opportunity to meet with them if they are so inclined and discuss these matters.

The response to the mailing of the memorandum by the Chamber to its full membership has been tremendous. I feel that your very cogent ideas have been presented in a manner which is most fitting and conducive to their implementation, and all of us involved in the effort are most grateful to you.

As a matter of fact, at the meeting of the Chamber’s Board in Washington last week a resolution expressing our great appreciation for your foresight and the time and effort which you expended in the preparation of your now famous memorandum, was unanimously adopted. In order not to embarrass you, the Chamber’s President or Executive Vice President were instructed to convey this resolution to you in an informal manner that I trust will not create any waves with the likes of Jack Anderson!

I am delighted that the Chamber organization is now gearing up to do something actively in this field, perhaps in concert with the National Council of Better Business Bureaus which has already begun to mount a campaign aimed particularly at the consumers across the country. As you may have heard, Henry Ford and the President of Whirlpool Corporation are heading this effort. Apparently they have already been successful in getting commitments for sizeable funds from business firms for their program. I trust that the Chamber will move ahead actively in its part of the effort which we feel properly should cover at minimum
a much strengthened program of economic education at the state and local levels together with effective publicity in the media to the general public on the merits of the free enterprise system.

Lucy and I enjoy very much having news of you and Jo through Margaret Rucker, and we trust that all goes well with you.

Sincerely yours,

Eugene B. Sydnor, Jr.
Mr. Justice Powell  
Supreme Court of the U. S.  
Washington, D. C. 20543  

Dear Mr. Justice:

I would be most grateful if you would autograph two copies of "the Powell Memorandum" which I have enclosed. One is for a friend.

Thank you so much.

Sincerely,

[Signature]

Robert R. Hudson
November 29, 1972

Dear Mr. Hudson:

As I have refrained entirely from any action with respect to the memorandum I wrote for the Chamber of Commerce prior to coming on the Court, I rather hesitate to autograph copies of the memorandum.

I do appreciate your interest and the spirit of your letter. But under all of the circumstances, I think it best not to comply with your complimentary request.

Sincerely,

Mr. Robert R. Hudson
11012 Rosemont Drive
Rockville, Maryland 20852

LFP, Jr.: pls

P.S. I am enclosing an autographed copy of a speech I made at the American Bar Association meeting, as reproduced in U. S. News & World Report.
November 29, 1972

Dear Mr. Brandt:

This is my first opportunity to thank you for your gracious letter of October 26.

With best wishes.

Sincerely,

Mr. Arthur J. Brandt, Jr.
Post Office Box 325
Bloomfield Hills, Michigan 48013

LFP, Jr.:pl
November 29, 1972

Dear Mr. Stanmeyer:

This is my first opportunity to thank you for your gracious letter of October 23, and for enclosing your interesting article in the American Bar Association Journal.

Sincerely,

William A. Stanmeyer, Esquire
2867 Shannon Court
Northbrook, Illinois 60062

LFP, Jr.: pls
November 29, 1972

Dear Prime:

I do want you to know that I much appreciated your generous note of October 26.

Your letter also brought to my attention, for the first time, your new position as president of the L&N. I send belated congratulations, although I know that you will be missed at the Seaboard Coast Line and in Richmond.

Sincerely,

Prime F. Osborn, Esquire
President
Louisville & Nashville Railroad Company
908 W. Broadway
Louisville, Kentucky 40201

LFP, Jr.:pls
November 29, 1972

Dear Oliver:

This is a belated note of thanks for your thoughtfulness in sending me the Chamber of Commerce Washington Report, including the Kilpatrick article.

Best wishes.

Sincerely,

Mr. Oliver M. Mendell
Regional Vice President
Chemical Bank
377 Madison Avenue
New York, New York 10017

LFP, Jr.:pls
April 30, 1973

Dear Mr. Shaffer:

Thank you for your letter of April 23.

I have not seen the magazine "Constructor", but assume from your letter that it carried the memorandum I prepared before coming on the Court for my friend Eugene Sydnor, then Chairman of the Education Committee of the United States Chamber of Commerce.

As I have done nothing with respect to the memorandum since my nomination to the Court, and also since the memo was prepared on a personal basis for Mr. Sydnor, I am sending your note on to him. My impression, however, from what I have read and seen is that the memorandum was "leaked" to the media and has long since been in the public domain.

With best wishes.

Sincerely,

Mr. R. F. Shaffer
President
The Greyhound Corporation
Greyhound Tower
Phoenix, Arizona 85077

lfp/ss

cc: Mr. Eugene B. Sydnor, Jr.
Mister Businessman, have you read the POWELL MEMORANDUM? Or have you even heard of the POWELL MEMORANDUM? It just might be the most important single document regarding the free enterprise system ever written. The memorandum was written by Lewis F. Powell - the same Lewis F. Powell who is now a member justice of the Supreme Court of the United States. However, months before his nomination to the Supreme Court, this Richmond Virginia attorney prepared an in-depth study entitled "Attack On American Free Enterprise System." The memo was prepared at the request of Eugene B. Sydnor, Junior, Chairman of the Education Committee of the United States Chamber of Commerce, and was intended as a plan to provide the public with a more balanced view of the country's economic system.

The POWELL MEMORANDUM is must reading for everyone interested in the free enterprise system. Get a copy of it...write to the U. S. Chamber of Commerce, 1615 H Street, N.W., Washington, D.C. Ask for the POWELL...P-O-W-E-L-L MEMORANDUM. THAT's POWELL MEMORANDUM, U. S. CHAMBER OF COMMERCE, 1615 "H" STREET, N.W., WASHINGTON, D.C. During the next few weeks WARM's Viewpoint will be examining some aspects of this report...it's ramifications...and it's conclusions.
the following is a text of a radio editorial broadcast over WARM

FREE ENTERPRISE #2

Attorney Lewis F. Powell of Richmond has written a document that points up a growing menace in this country which threatens to choke to death our system of free enterprise. His closing words hit home with a frightening reality..."business and the enterprise system are in deep trouble, and the hour is late."

The American economic system has been under attack for generations, and we've been successful in fighting off the assaults of communism and assorted revolutionaries; but presently the tide has been turning, whether we want to believe it or not, and the new threat is even more dangerous. We're now faced with the monumental problem of fighting respectable elements of our own society...people in college classrooms...people who reach the public through radio and television and newspapers and magazines...people in our own community. Their numbers aren't all that big yet but their weapons are powerful...an ability to talk, to write and to influence public opinion. They match this with an almost religious devotion to one goal...destroy free enterprise in America.

Now that we've identified the problem, we join with Attorney Powell in his suggestion for counter-attack...an all-out fight against apathy. It's a sad reality that the American businessman hasn't been able to team his intelligence and enthusiasm for success with the kind of guts it takes to stay on top. Too many times he's been knocked down by those who would socialize U. S. industry and failed to come off the floor fighting. He is far too tolerant, hopes the bad guy will go away if ignored or simply decides to turn the other cheek. Powell points out, however, that Mr. Businessman really doesn't know how to fight. He doesn't have a vice president in charge of guerilla warfare, and he concentrates his efforts on management, production, profit and community leadership. This could change through the efforts of our Chambers of Commerce, but they'll need support to meet the challenge. Just how they could go about it will be the topic of a future Viewpoint.
The seriousness of the continuing attack on our American system of free enterprise can be emphasized through words such as this..."You must learn to fight in the streets, to revolt, to shoot guns; we will learn to do all of the things the property owners fear." These are the words of William Kunstler, listed as the American lawyer most admired in a recent student poll. Words such as these focus attention on previous WARM Viewpoints that the real threat to our enterprise system comes from perfectly respectable elements of our own society. We can't be sure how many people are influenced by the William Kunstler's but branches of the Bank of America have been attacked either with fire bombs or explosive devices some forty times over the past three years. And a recent poll of students on a dozen campuses in the United States showed that almost half favored socialization of U. S. industries.

Businessmen can no longer turn their backs on the danger; too many people are poisoned with lies and bombs. Lewis F. Powell, whose memo is the basis for this Viewpoint series on the free enterprise system, suggests a corporate trouble-shooter...a specialist to put real muscle into a public relations department. This individual must be adept at talking, at writing and standing nose-to-nose with the Kunstlers in America; and he has to be able to transplant these talents into as many people under him as it takes. Superman doesn't exist, but there are human beings who can get the job done. Company presidents and board chairmen might be surprised at the calibre of people who believe in free enterprise and who are waiting to sink their teeth into such a project. Look for this person and when you find him, make the offer equal to the task...and we all know how big that is.
WE FOCUS ON ANOTHER PLAN OF ACTION AGAINST THE ENEMIES OF FREE ENTERPRISE...

The National Chamber of Commerce has already been suggested as a base of operations because of its position; it has a good reputation, is strongly supported and has hundreds of local branches serving towns and cities all over the country.

The Chamber could start by seeking out the kind of people who can put more muscle into the teaching of U. S. economics, political science and sociology. We're talking about the kind of scholar who knows his subject, is able to talk on the level of the average American and is anxious to shoot holes in the arguments against free enterprise. This could lead to an actual "speakers' bureau;" colleges and universities sponsor lecture programs which are platforms for the harsh critics of free enterprise. The Chamber could have its own speakers available and anxious to accept invitations; if the invitations do not come, then it's time to pressure for equal opportunity.

Other Chamber avenues include stronger ties with graduate schools of business...panel discussions on radio and television...books and magazines...and even paid advertising. Businessmen pump millions of dollars into advertising specific products; why not budget money promoting the one big thing vital to their success...free enterprise. For the Chamber to grab the bull by the horns would take much more financial support; we certainly hope Mr. Businessman sees the value because, it's his money we're talking about.
May 2, 1973

The Honorable Lewis F. Powell, Jr.
Associate Justice
United States Supreme Court
Washington, D.C.  20543

Dear Justice Powell:

I'm hopeful that your secretary told you of my call to your office when I was in Washington some two weeks ago.

I merely wanted you to be aware of this, Justice Powell:

A group of us from the Young Presidents' Organization have taken it upon ourselves to implement the recommendations contained in your excellent 1971 Memorandum to the U.S. Chamber of Commerce, "Attack on American Free Enterprise System."

Last month in Dallas we met with heads of various foundations, The U.S. Chamber of Commerce, and several college presidents. Since then we've been in touch with a number of other groups (Council of Better Business Bureaus, Conference Board, U.S. Chamber, Mr. John Harper's business group, etc.) to take a further "inventory." The enclosure would indicate our next meeting.

Our effort is an international one, and we are making progress.

Thank you for being the inspiration to this action, Justice Powell.

Cordially,

LAMBERT CORPORATION

W.B. Lambert
President

WBL:mk
Encl.
May 2, 1973

To those who attended the discussion of the Powell Memorandum in Dallas on March 30/31 - and other interested persons:

The next meeting of our group is now scheduled for 6 p.m., Monday, June 4, at Freedoms Foundation, Valley Forge, Pennsylvania. We will plan to adjourn by 4 p.m. on June 5.

Please return this reservation card to me as soon as possible; I'll arrange accommodations for you at the Freedoms Foundation.

Following a long standing YPO tradition: if your wife is interested in involving herself in this project, be sure to ask her to come with you.

I'll attach suggestions on transportation to Valley Forge.

Our "inventory" of the various organizations is proceeding satisfactorily. I shall plan to send you an interim report and a tentative agenda for your review prior to our June 4 meeting.

Cordially,

W. B. Lambert

WBL:mk
Encl.
May 8, 1973

Dear Gene:

In view of my present "sterilization" as a judge, the enclosed letter should have been written to you.

My best to you and Lucy.

Sincerely,

Mr. Eugene B. Sydnor, Jr.
P. O. Box 1474
Richmond, Virginia 23219

lfp/ss
Enc.
May 8, 1973

Dear Mr. Lambert:

I write to thank you for your gracious letter of May 2, informing me of the interesting work of the Young Presidents' Organization.

I hardly need say that, for many years, I have thought that responsible business leaders paid too little attention to public affairs and to the tides of change which are running strongly in this country.

With best wishes.

Sincerely,

Mr. William B. Lambert
President
Lambert Corporation
Dayton, Ohio 45404

1fp/ss
Powell Advises Business on Politics

By William H. Jones
Washington Post Staff Writer

When a U.S. Chamber of Commerce officer asked his neighbor, Richmond attorney Lewis F. Powell, how the public could be provided a "more balanced" view of America's economic system, Powell—now a U.S. Supreme Court Justice—came up with on Aug. 23, 1971 "confidential memorandum" that already has gained a place in business history.

Designed to identify the "attack on American free enterprise system" and ways to cope with the situation, the Powell memorandum was first made public not by business but by columnist Jack Anderson. Just two months before being nominated by President Nixon, Powell wrote: "Business must learn the lesson long ago learned by labor and self-interest groups. This is the lesson that political power is necessary, that such power must be assiduously cultivated and that, when necessary, it must be used aggressively... without embarrassment and without the reluctance which has been so characteristic of American business."

Powell suggested "equal time" on the campuses for the chamber's point of view, a "balancing" of college faculties, monitoring of television followed by complaints to the Federal Communications Commission if warranted, paid advertisements for the business view, a bigger role in the political arena, increased participation in court cases on the side of business, and a generally more aggressive pro-business and free enterprise attitude.

Last week, the Chamber of Commerce's policy-making board of directors took a stand on the Powell plan following a study by a specially named task force. Generally, the task force and directors endorsed most of Powell's proposals but sometimes in a more subtle way.

For example, while the Chamber did not endorse television monitoring, it did recommend that only "highly qualified spokesmen" represent business "particularly in meetings with media representatives," and it asked for wide use of its "now fair, accurate and informative reporting program... aimed directly at business leaders' communicative needs."

According to the business group, this media program provides "know-how on the means of improving insights on how to respond to distortions and unfair attacks against business. Those who use it, the group continues, "will gain new confidence in their skills, and a better showing in the print and electronic media."

In the chamber's report, being made public today, a "concerted program to increase public understanding of the American economic system and to answer attacks on the private sector" is being launched.

Specifically, the chamber also is calling for formation of a committee on business overview, consisting of top representatives of the "Conference Board, Better Business Bureaus, National Association of Manufacturers, and other groups."

According to the chamber announcement, the "primary" goal of this new group would be to "probe actions and influences that form the public's opinion of business, and to exercise leadership in improving the private sector's nature."

Ironically, the chamber's new effort to improve the image of business came several weeks after the Washington headquarters for the group officially disowned a statement of its elected president, State Farm Mutual president Edward B. Rust, who had praised consumerism in general and Ralph Nader in particular. "Highest priority" in the chamber's new program is attached to educational activities, including films for schools, an advisory group of scholars, development of "Meet the Press" type of program with businessmen questioned by students, and exploration of ways to utilize the resources of the intellectual community in researching and writing.

Earlier this year, however, the chamber rejected one such effort—a task force recommendation for liberalized "adjustment assistance" for workers and firms hit by imports which was written largely by Brookings Institution senior fellow C. Fred Bergsten.

The author said "overt protectionism" of steel and textile industry members of the chamber were allowed to override a majority sentiment in favor of the report.
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The author said "overt protectionism" of steel and textile industry members of the chamber were allowed to override a majority sentiment in favor of the report.
MEMORANDUM

TO:    Messrs. Buckley, Jeffries and Owens
FROM:  Lewis F. Powell, Jr.

You may have seen, in the Post this morning, a story on a memorandum which attained some "notoriety" after I came on the bench through the courtesy of Jack Anderson. Attached hereto is a copy of the memorandum. I thought, in view of possible discussion among the clerks, it might be helpful if you knew exactly what I said and under what circumstances.

The memorandum originated, quite by accident, from a luncheon with a personal and family friend who had just recently been named Chairman of the Education Committee of the U.S. Chamber of Commerce. He told me of his news responsibilities and of a forthcoming meeting at which he had been asked to submit ideas as to what the Chamber might do to improve the climate of public opinion with respect to the free enterprise system. I "thought aloud" as to the source of the problem and possible remedial steps that might be considered in a broad educational effort by the Chamber. A few days later my friend (Mr. Sydnor) called me on a Friday, said he had the meeting scheduled for Monday, and could I possibly do him the favor of reducing my thoughts to a memorandum for him to use.
I agreed to do what I could (not as a professional employment but merely to comply with a friend's request); thinking that I could get something out in an hour or two. As Sally will remember painfully, I was tied up with clients on Saturday morning and she and I worked some Saturday evening and most of Sunday morning to produce the attached memorandum.

Eugene Sydnor later told me that it fell almost "like a lead balloon" when he discussed it with his committee, as there was not great enthusiasm for undertaking a program which might involve substantial increases in dues and also result in criticism. But, thanks to the new morality with respect to private papers and to the availability of xerox machines, some helpful friend passed a copy on to Jack Anderson, who ran a couple of fairly inflammatory columns on it without getting in touch with me or inquiring as to the circumstances under which it had been written.

But the Chamber was apparently impelled by the publicity to resurrect the memorandum and at least have it studied. I have not discussed any aspect of the memorandum's contents with any representative of the Chamber since coming on the Court.

I am glad, however, that I retained my small investment in xerox stock.

L. F. P., Jr.

* I have never represented the U. S. Chamber of Commerce.
The Hon. Lewis F. Powell, Jr.
Associate Justice,
Supreme Court of the United States
Washington, D.C.

Dear Mr. Justice:

You are familiar with our annual ETHYL DIGEST, and may particularly recall the 1972 edition, which contains in the "Only the Beginning" article starting on Page 19 your introduction of F. D. Gottwald at the Newcomen Society dinner in 1962, and in the 1973 issue a quotation by you on Page 22.

As you perhaps know, each edition of ETHYL DIGEST is given widespread distribution, free of charge, to Members of Congress, leaders of government at the various levels, key representatives of the news media, selected lists of opinion-molders, the general public and, of course, Ethyl Corporation shareholders and employees.

We now have in preparation the 1974 ETHYL DIGEST. Its overall theme is the American free enterprise system and what it means to the progress and prosperity of the Nation. In addition, the publication will contain a quota of articles and artwork related to the coming Bicentennial. Also, as a special feature, there will be included with each issue of ETHYL DIGEST distributed, a pocket-size booklet copy of the Constitution of the United States in type.

Among the scheduled articles are ones on Profits by Dr. Carl Madden, chief economist of the Chamber of Commerce of the United States; the National Economy, by Carol Loomis, of FORTUNE magazine; inspiring remarks by Charles Hepler, publisher of Reader's Digest, under the title of "America, Should We Keep It?"; and Bicentennial planning and philosophy, by Anne Armstrong, counselor to President Nixon.

It is our hope also to include, with your permission and concurrence, an article based on your acclaimed Memorandum dealing with the attack on the American free enterprise system. A draft of that proposed article is enclosed for your review and approval, subject, of course, to whatever editing you feel is indicated.
The Hon. Lewis F. Powell, Jr.  -2-  March 7, 1974

You might be interested in knowing that this article was drafted by Rob Buford, who is the son of Robert P. Buford. Rob has been working in my Department on a "temporary" basis for the past month or so, pending a pre-scheduled trip to France, upon which he has just departed. Rob's future status with Ethyl is to be determined upon his return.

It is our sincere hope that you will find this draft to your satisfaction and that you will grant us permission to give your challenging analysis additional exposure to government leaders, the news media and the general public by means of the 1974 ETHYL DIGEST. As a matter of fact, the Powell Memorandum influenced us greatly in selecting the American free enterprise system as the so-called umbrella for the 1974 edition.

Sincerely,

[Signature]
Charles J. Zeanah, Director
Corporate Public Relations

CHZ/jh

Enclosures  (The mock-up is merely to demonstrate our 1974 cover and to give you some indication of the way we will distribute the U.S. Constitution in booklet form. When convenient, I would appreciate your having your office return the mock-up.)
April 3, 1974

Dear Charley:

Thank you for yours of March 7, in which you invite my comments as to the summary prepared by your staff of the memorandum I wrote in 1971 for Gene Sydnor.

In view of my present position, I have consistently refrained from making any comment - directly or indirectly - on this memorandum since I was nominated to the Court. Following Jack Anderson's "disclosure", I have had a number of requests to attend meetings, comment on criticisms, or otherwise indicate a viewpoint with respect to the memorandum. I have always declined.

Accordingly, I think it best for me not to review the summary, which my secretary has returned. In view of its publication, the memorandum is certainly in the public domain and it has been reprinted - I am told - by the Chamber of Commerce and others.

I am delighted that Rob Buford is with Ethyl. He is a fine young man and will do well.

I do appreciate your thoughtfulness, and send you warm best wishes.

Sincerely,

Mr. Charles H. Zeanah
Director, Corporate Public Relations
Ethyl Corporation
330 South 4th Street
Richmond, Virginia 23217

1fp/ss
April 3, 1974

Mr. Charles H. Zeanah
Director, Corporate Public Relations
Ethyl Corporation
330 South 4th Street
Richmond, Virginia 23217

Dear Mr. Zeanah:

Justice Powell asked me to return the enclosed summary to you.

Sincerely,

(Miss) Sally Smith
Secretary to Lewis F. Powell, Jr.
Justice Lewis F. Powell, Jr.
United States Supreme Court
Washington, D. C.

Dear Lewis:

A recent acquaintance of mine, William B. Lambert, President of Lambert Corporation, Dayton, Ohio, expects to join me in Washington on Sunday, February 23rd, for a meeting with the NAM on the 24th.

Bill Lambert organized the National Center for Responsible Enterprise. A copy of one of his publications is enclosed.

The catalyst of this effort is the Powell Memorandum.

What I would like to know is if it would be convenient for me to bring Lambert by to see you Sunday afternoon around 4:00 or 5:00 o'clock. As you can see from his effort, he is very impressed with your Memorandum, and I would like very much for him to meet you. I think you would like him also.

If you will fill out the enclosed card and return it, I will make my plans accordingly.

I will probably bring Lizora with me to our meeting, and she would come by also if Jo would be there. I look forward to hearing from you. With best wishes,

Sincerely yours,

J. Clifford Miller, Jr.

JCM:MW
Enc.
The Catalyst—The Powell Memorandum

In August, 1971, just two months prior to his nomination to the Supreme Court of the United States, Justice Lewis F. Powell wrote what is now commonly called The Powell Memorandum. A friend in Richmond, Va. asked Powell to outline his impression of the attacks on our private enterprise system, together with his suggestions on how to counter these attacks. The resulting memorandum proved to be the catalyst to awaken many business leaders to their responsibilities to counter these threats before it was too late! And it was the basis for the formation of the National Center for Responsible Enterprise (NCRE).

What is NCRE?

Although some counter-offensives have already begun in certain communities and companies, it was quickly realized that it must be done on a national scale to be truly effective. As a result, the National Center for Responsible Enterprise was formed to help educate and motivate businessmen and other leaders to "sell" our private enterprise system more effectively. Its primary function is to act as a clearing house for existing, innovative and successful programs on private enterprise, as well as other general information that can be used by businessmen to help mobilize their local resources, to help preserve and improve our American economic system. In brief, the NCRE is providing those who believe in our present economic system with a centralized base for repelling those who would destroy and informing those who simply don't know how our system works.

Where Did It Begin?

The NCRE idea really started in March, 1973 at a series of informal meetings at the YPO University in Hawaii. Since that time, considerable progress has been achieved with developing and implementing the goals of the NCRE. In fact, to date we have tentative agreements to participate on the part of such companies and associations as the U.S. Chamber of Commerce, National Association of Manufacturers, the American Management Association, the Young President's Organization, World Business Council, the National Jaycees, the National Foundation of Independent Businessmen, Freedoms Foundation at Valley Forge, Conference Board, U.S. Industrial Council and many other such organizations in addition to innumerable corporate heads and individuals.

Since we found no one with an overall approach to the problem, a selected group of businessmen decided to "take the bull by the horns" and form an organization dedicated to preserving the private enterprise system. This was the birth of NCRE.

What Is NCRE Doing?

SEMINAR PACKAGE: One of the most important programs currently being developed by NCRE is a two-day seminar package for businessmen and community leaders. This program enlists the services of professional personal communications instructors to provide an intensive training program for business leaders. Not only does this seminar show them how and what to say about free enterprise, but helps dramatically to improve their communication skills. This seminar will be, in effect, a step-by-step program on how to approach and explain the free enterprise story to local community organizations. This two-day seminar is a vital step in a positive program to effectively communicate the value and the substance of our private enterprise system.
February 14, 1975

Dear Cliff:

As we are commencing a week of arguments on Monday, February 24, I will be "up to my neck" on the weekend of February 21-23, preparing for these arguments.

In addition, Cliff, I have declined consistently to discuss the "Powell memorandum" since coming on the Court. As you can imagine, I have had a large number of requests to discuss it, both publicly and privately. We have pending here at the Court at all times cases which involve business interests, and the U.S. Chamber of Commerce frequently files briefs amici in these cases and sometimes is a party. As the appearance of impartiality is almost as important as the fact of impartiality, I have thought it best to stay entirely away from a memorandum which has been construed in the press as strongly pro-business.

In my own view, the memorandum is simply pro-America and the free enterprise system - a system which is beneficial to all elements of our society.

I would be happy to shake hands with Mr. Lambert here at the Court. Indeed, he might find it interesting to sit in on an argument. My secretary, Sally Smith, whom you know, can give you the details for the week of February 24, and I could greet Mr. Lambert when we come off the bench.

Warm best wishes.

Sincerely,

Mr. J. Clifford Miller, Jr.
Chairman
Miller Manufacturing Company, Inc.
P. O. Box 1356
Richmond, Virginia 23211

1fp/ss
February 24, 1975

Dear Cliff,

I write merely to say that I had a most pleasant visit with Bill Lambert. He is indeed an attractive and impressive person. It is good to know that one of his obvious talent is taking a leadership role on behalf of economic education.

I was sorry to learn from Bill that you had a small mishap while riding. I am sure this will not deter you for the future. You will recall that Mr. Gay continued to ride regularly until he was thrown in his 87th year. This still gives you a few years of good riding to look forward to.

My best to you and Lizora.

As ever,

Mr. J. Clifford Miller, Jr.
Chairman
Miller Manufacturing Company, Inc.
P. O. Box 1356
Richmond, Virginia 23211

1fp/ss
Justice Lewis F. Powell, Jr.
United States Supreme Court
Washington, D.C. 20543

Dear Lewis:

You are a very thoughtful person to take time to let Bill Lambert come and visit with you. Actually it was the hope of meeting you that I think got him to accept my invitation to come to Washington and be with me when we did some work with the NAM, and you were thoughtful enough to write me a note, which I appreciate.

Well do I remember Mr. Ben Gay and his horseback riding. One of the first hunts that I rode in with Deep Run, just a few years after World War II, I was following Mr. Gay in what was new country to me, one jump he took and the horse turned sharply to the right, which was the way he should have turned, and Mr. Gay knew it; my horse following did the same thing, and I was promptly unseated. I remember well the advice Mr. Gay gave me then, he said don't take a jump until you know what is on the other side. I have tried to follow that advice and have been reasonably successful.

What happened to me was that the horse got too close to a post and hit my knee, which has given me some trouble, but it is getting on all right. The only thing is that it takes about three times as long to get well as it did 25 years ago.

Lizora joins me in best to you and Joe.

Sincerely yours,

J. Clifford Miller, Jr.

JCM:MW Please thank Sally Smith for making such nice arrangements.
Mr. W. B. Lambert, President
Lambert Corporation
519 Hunter Avenue
Dayton, Ohio 45404

Dear Bill:

Inasmuch as you have met our distinguished Justice from Richmond, I thought you would be interested in this editorial.

As far as I know, Powell hasn’t voted wrong yet in the Supreme Court, and it is a most interesting thing that of all the bad things Nixon did, the fact that he put four good men on the Supreme Court, to my mind, makes up for most everything he has done on the wrong side, certainly for the long-run future of our country.

Sincerely yours,

J. Clifford Miller, Jr.

JCM:MW
Enc.

bc: Justice Lewis F. Powell, Jr.
March 6, 1975

The Honorable Lewis F. Powell, Jr.
Apartment S-802
Harbour Square
550 N. Street, S. W.
Washington, D.C. 20024

Dear Justice Powell:

I just wanted you to know that I warmly appreciated your visiting with me week before last.

As you would have surmised, this was a memorable meeting for me - inasmuch as I've spent much of my time these past two years in an effort to make some positive response to the challenge of the "Powell memorandum."

I'll take pleasure in keeping you posted on our endeavors from time to time, but please don't feel compelled to respond.

Perhaps we can recap all this on a tennis court one day!

Most sincerely,

Bill Lambert

cc: Mr. J. Clifford Miller, Jr.

I thought you might find this of interest.
Justice Lewis F. Powell, Jr.,
United States Supreme Court
Washington, D. C.

Dear Justice Powell:

We have distributed well over 100 copies of "The Powell Memorandum" of August 1971, and feel its message is of utmost urgency to the future of our country. Kuhlman Corporation is endeavoring to do as much as one corporate citizen can in connection with this very serious problem.

We recently organized and hosted an all-day workshop on profit and private enterprise, the objective of which was to apprise a significant number of corporations of positive programs now being carried on by some other outstanding and highly regarded companies, namely, Eaton, Amway and Whirlpool. The message, in short, was, "Here are specific and exciting examples of steps we all can be taking--right now!"

Forty-eight individuals from thirty-eight different organizations attended the meeting, and several people richly experienced in these efforts, Lawrence Appley among them, considered such a turnout impressive. Mr. Appley is on our Board of Directors, and delivered an excellent address on the identical problem to the Detroit Rotary Club the following day. I am sure you will be interested in this address and a copy is enclosed.

In the course of organizing and planning this workshop, I became more aware than ever before of the profusion of well-intentioned organized efforts now going on in the United States, all endeavoring to counteract the anti-business bias which seems to grow more intense daily, despite all these efforts.

I am perplexed and, in fact, disturbed over the proliferation and duplication of uncoordinated endeavor in this field, carried on by virtually innumerable institutes, foundations, centers, councils, etc. Mr. William Lambert, whom I understand you have met, and who
Justice Lewis F. Powell, Jr.
United States Supreme Court
Washington, D. C.
March 13, 1975
Page Two.

is providing quite a service through his clearinghouse of information known as National Center for Responsible Enterprise, tells me that there are several dozen organizations whose principal mission is communicating the advantages of the free enterprise system.

It occurs to me, and very strongly so, that the hour is so late we cannot afford the luxury of inefficiency, duplication of endeavor, and a continual profusion of fund-raising efforts, all aimed at the same "market". What appears to be needed is a united effort somewhat along the lines achieved in recent years by the United Fund in the field of civic and charitable fund-raising efforts.

It seems to me, moreover, that someone of national stature and highest regard should, at the earliest possible moment, bring the heads of all such organizations together in the hope of merging, or consolidating, their programs,—or portions of them—to achieve maximum efficiency and effectiveness, if we are, in fact, to save what is left of the economic system that has built this country.

The individual whom I sincerely feel could be most effective and convincing in such a consolidating effort is none other than yourself, Mr. Powell. I am aware, however, that this may be impossible or impractical because of your position as a member of The Supreme Court. If this is the case, we would warmly welcome your suggestions and assistance in endeavoring to accomplish this through the sponsorship of some other individual of similar stature.

Your past contributions in alerting thousands of thinking Americans to the problem facing them have been of inestimable value, and it is impossible to adequately thank you for them. May I express the sincere hope that you will give my suggestion your most serious consideration. Know too, that I stand ready to assist in any way you feel I possibly can.

With deep appreciation,

[Signature]

KF:bg
March 14, 1975

Dear Bill:

I so much appreciate your gracious note of March 6, and also the fascinating little brochure on the "antique automobile".

It was a pleasure to meet you, and I enjoyed our talk. I can understand why Cliff Miller speaks so highly of you.

Sincerely,

Mr. William B. Lambert
490 Rubicon Road
Dayton, Ohio 45419

1fp/ss
Mr Justice Levin F Powell
The Supreme Court
Washington D C 20543

My dear Mr. Justice:

I am writing you as the result of a memorable memorandum you wrote shortly before being appointed to your present position.

It has been referred to me as the "Powell Memorandum" and dealt with the present and very realistic danger to the free enterprise system and our democratic way of life. My reference to your memorandum came from Dr. John Howard, President, Rockford College, Illinois.

As you can see by the enclosed copy of our management newsletter on communications, I share your concern about the danger to our way of life. For this reason, I am encouraged to ask if you have (or can tell me where to get) a copy of your now famous -- but not very well appreciated or implemented -- memo.

I am enclosing also a bio sketch to fill you in on my background.

Sincerely yours,

[Signature]

RDB: fpr
enc.
March 28, 1975

Mr. Robert D. Breth
7445 Andrews Avenue
Philadelphia, Pennsylvania 19138

Dear Mr. Breth:

Justice Powell asked me to acknowledge and thank you for your letter of March 20.

I understand that copies of the memorandum can be obtained from Mr. Richard Breault of the United States Chamber of Commerce here in Washington.

Sincerely,

(Miss) Sally Smith
Secretary to Lewis F. Powell, Jr.
April 3, 1975

Dear Mr. Fluehr:

Thank you for your recent letter, and your thoughtful comments.

As you anticipated, I have not thought it appropriate to take any part in the subsequent history of the memorandum which I wrote in August 1971.

As a citizen, I remain keenly interested - of course - in what happens in our society and under our system of government.

I did meet Mr. Lambert, and was most favorably impressed by him as a fine human being. I am sure that citizens such as Mr. Lambert and yourself are making constructive contributions to the sort of discourse that is educational and desirable.

With best wishes.

Sincerely,

Mr. Kuhlman Fluehr
Vice President - Corporate Relations
Kuhlman Corporation
Box 288
Birmingham, Michigan 48012

lfp/ss
July 22, 1975.

Dear Mr. Justice Powell:

I am shortly to give a speech and would like to quote the unsolicited kindness of strangers. Please to quote from a memorandum you wrote for The Chamber of Commerce in the closing days of your tenure at the bar. As far as I can find the matter has gone unreported (nothing in the New York Times Index; Vital Speeches; Reader's Guide) could you suggest a source for a footnote? I hesitate to quote at length, but the opening sentence runs:

"Under our constitutional system ..., the Judiciary may be the most important instrument for social, economic, and political change."

Yours faithfully,

Gerald T. Dunne
Professor of Law
July 28, 1975

Dear Professor Dunne:

Thank you for yours of July 22nd.

I am not able to provide you with a citation to the memorandum which I wrote for Eugene Sydnor, a friend in Richmond who was chairman of the education committee of the Chamber of Commerce.

After Jack Anderson paid his respects to the memorandum, it was circulated -- in printed form, I believe -- by the Chamber of Commerce. My suggestion is that you write the Chamber in Washington. If it has been published, the Chamber should know about it. In any event, the Chamber should be able to supply you with a complete copy.

With best wishes.

Sincerely,

Professor Gerald T. Dunne
Saint Louis University
School of Law
3642 Lindell Boulevard
Saint Louis, Missouri 63108

LFP/vsl
Texas Bureau for Economic Understanding
1139 PARKWAY CENTRAL BUILDING • 611 RYAN PLAZA DRIVE • ARLINGTON, TEXAS 76012 • (817) 265-0852

September 3, 1975

Judge Lewis F. Powell, Jr.
U. S. Supreme Court
Washington, D. C. 20543

Dear Judge Powell:

By statute the State of Texas requires every public high school in the state to teach the essentials and benefits of the free enterprise system. There is a dearth of readily available material. The Texas Bureau for Economic Understanding proposes to publish a paper covered book of readings which will be distributed without charge to those public schools requesting it. Based on requests for other material we publish, we anticipate a demand in excess of 10,000 copies. In addition, we anticipate requests for additional copies from other interested organizations, and we propose to supply such demands at our cost.

The Texas Bureau for Economic Understanding is a nonprofit educational service corporation, chartered in the State of Texas in 1954, and has served students and teachers in Texas since that date. No individual will derive financial benefit from this publication.

We request permission to include THE POWELL MEMORANDUM.

Sincerely,

Leon B. Blair
Executive Director

LBB/gl
September 9, 1975

Dear Mr. Blair:

Thank you for yours of September 3, requesting my permission to include "the Powell memorandum" in your publication.

As I wrote the memorandum for a friend who was then Chairman of the Education Committee of the United States Chamber of Commerce, I have exercised no control over the memorandum's use or publication.

I suggest that you get in touch with Mr. Richard Breault of the United States Chamber of Commerce which has published the memorandum. I would guess that the Chamber would have no objection to your republishing it for the educational purposes you have in mind.

If you do this, I would appreciate your making it clear that the memorandum was written prior to my being nominated for the Court.

With best wishes.

Sincerely,

Mr. Leon B. Blair  
Executive Director  
Texas Bureau for Economic Understanding  
1139 Parkway Central Building  
Arlington, Texas 76012

lfp/ss
Honorable Lewis Powell  
Supreme Court Building  
Washington, D.C.  20543

Dear Justice Powell:  

I would like to obtain a copy of the paper known as the "Powell Memorandum" which you wrote shortly before your appointment to the Supreme Court in which you describe current attitudes towards business. I would greatly appreciate it if you would send me a copy of the Memorandum. If you do not have a copy of it which you can send to me, could you please let me know if it has been published, and if so, please give me a citation indicating where I might find a published copy.

Thank you very much for your courtesy and cooperation in this matter.

Very truly yours,  

Laurence K. Gould, Jr.

for SHEPPARD, MULLIN, RICHTER & HAMPTON

LKG:pw
February 23, 1976

Dear Mr. Gould:

Thank you for your recent letter.

The "Powell Memorandum" can be obtained upon request from the United States Chamber of Commerce. Although this was written prior to my appointment to the Court, I have not thought it appropriate for me to disseminate the memorandum.

With best wishes.

Sincerely,

Laurence K. Gould, Jr., Esquire
Sheppard, Mullin, Richter & Hampton
333 South Hope Street
Los Angeles, California 90071

1fp/ss