

a result, he was an extraordinarily influential member of the Court. He often wrote the opinion of the Court in important cases. Whether writing for the Court or in dissent in controversial cases where feelings ran deep, his opinions forcefully presented their point of view, but they never took any "cheap shots" at those expressing opposing views. His remarkable influence resulted from a combination of ability, fair-mindedness, and personal grace.

The Supreme Court appointment was not the first call to duty heeded by Lewis Powell. Seven years out of law school, he had become the tenth partner in the Hunton & Williams firm, and by the time of the Japanese attack on Pearl Harbor, he was well on his way to a successful and lucrative law practice here in Richmond. He was thirty-three years old and married with two children – he was in no danger of being drafted. Yet he volunteered for service in the Army Airforce, rising in rank from First Lieutenant to a full Colonel, and winning the Legion of Merit and the Bronze Star.

It seems to me that both his decision to accept the Supreme Court appointment, and his decision to volunteer in World War II, are cut from the same cloth. Lewis Powell was a patriot in the old-fashioned meaning of that term, responding when his country needed him. This deep-seated devotion to duty – not some legally enforceable duty, but a moral duty – in combination with his fair-mindedness and graciousness, were largely responsible for his success as a lawyer and as a judge. Every bit as importantly, they endeared him to all of us who worked with him.

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### The Honorable Sandra Day O'Connor\*

We are gathered here today to remember and to celebrate the life of Lewis F. Powell, Jr. Last week Lewis left us and went home to God and to rejoin his beloved wife, Jo. I was at the Supreme Court in January 1972 to witness the investiture of Lewis Powell and William Rehnquist. I met the Powells at the reception following, but little did I dream then that I would know Lewis Powell as a colleague on the Supreme Court nine years later.

Justice Powell was the ninety-ninth Justice to serve on the Supreme Court and perhaps the most reluctant. It is reported that, on the day in January 1972 when Lewis was sworn in, Nan Rehnquist asked Justice Powell's wife, Jo, if it wasn't the most exciting day of her life. Jo reportedly said, "No, it is

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\* Associate Justice, Supreme Court of the United States. Justice O'Connor delivered these remarks at the funeral services for Lewis F. Powell, Jr. in Richmond, Virginia on August 31, 1998.

the worst day of my life. I am about to cry." Lewis Powell had turned down an appointment to the Court in 1969 and was prepared to do so again in 1972. Luckily for the Court and the Nation, he finally agreed to accept the nomination when President Nixon convinced him it was his duty to his country to do so.

His family dates back to Thomas Powell who came to the James River area of Virginia from England in 1635. Lewis was born in Suffolk, Virginia, but lived most of his life in Richmond. He was an able student and a good athlete – playing basketball and baseball. He learned how to shoot and enjoyed hunting. He also learned as a youngster the demanding nature of life on a farm – his father bought a milk cow named Mollie. Lewis was directed to feed her, take care of her, and milk her. Anyone who has done that knows there is never a day off. Lewis said one of his happiest days was some years later when he went out to the barn and "found the damn cow dead."

He attended college and law school at Washington and Lee University in Lexington, Virginia. He quickly demonstrated his leadership qualities – president of his fraternity, managing editor of the student newspaper, student body president. He graduated first in his class from law school, then did a postgraduate year at Harvard.

Lewis returned to Richmond to practice law and after a couple of years joined the law firm of Hunton & Williams, at the handsome salary of fifty dollars per month. Soon after, he married Jo Rucker – a beautiful and talented graduate of Sweet Briar. It was a marriage made in heaven, as they say. One that remained joyous and loving for over sixty years. They had four wonderful children – Jody, Penny, Lewis, III, and Molly. Nine grandchildren, and one great grandchild.

He volunteered in the Army Air Force in 1941. He served in North Africa, Sicily, and England. Eventually he was assigned to military intelligence and served as a representative in the most sensitive and top secret intelligence group known as *ULTRA*. In the military service, he made a very important contribution to the victory of the allies, and it was a significant part of his life.

After the War, he returned to Hunton & Williams. He represented some important clients, including Colonial Williamsburg.

Qualities of leadership emerged again at once – within his law firm, the House of Delegates of the American Bar Association, and as chairman of the Richmond School Board. In that capacity, he served on the board during the years immediately following the Supreme Court's decision in *Brown v. Board of Education*, keeping the public schools open. Later he served on the Virginia State Board of Education. He supported reform of the curriculum, and he strongly opposed those who were proposing massive resistance to the desegregation of the public schools.

He became president of the Colonial Williamsburg Foundation and, in 1964, president of the American Bar Association.

He served on the Supreme Court of the United States from 1972 to June 1987. He wrote more than 500 opinions, many very significant. It was a great privilege to serve on the Court with him for six full years. No one did more than Lewis Powell to help me get settled as a new Justice. He found us a place to live. He allowed me to hire one of his two secretaries as my chamber's secretary. Most important—he was willing to talk about cases and the issues. His door was always open. I miss those visits and discussions still today.

He was very hard working. He went over every detail. He was concerned in every case about the equity at the bottom line—about reaching a fair and just result. He brought a lifetime of experience as a lawyer and as a leader. He was enormously kind and thoughtful. But underneath that kind and gentlemanly exterior was a firmness and resolve. He would hold his ground when he decided on a course of action.

Despite the hard work, Lewis and Jo would occasionally attend social functions with their friends. Lewis was an excellent dancer and I had the privilege of dancing with him several times. Lewis once asked me to speak at a meeting of the Richmond Bar Association. He introduced me and I still remember when he said, "Now on my tombstone it will say 'here lies the first Supreme Court Justice to dance with another Justice.'"

Many of you may have read his wonderful biography by a former clerk, John Jeffries. As I read it I was struck by how Lewis Powell has followed General Robert E. Lee's precept:

Do your duty in all things. You cannot do more. You should never do less.

As another observer of Lewis Powell said:

For those who seek a perspective grounded in realism and leavened by decency, conscientious in detail and magnanimous in spirit, solicitous of personal dignity and protective of the public trust, there will never be a better Justice.

I would add:

For those who seek a model of human kindness, decency, exemplary behaviour and integrity, there will never be a better man.

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