PS1 for 7/9/87#ENCOMIUMS FOR JUSTICE POWELL

Lavish praise has been heaped on Justice Lewis Powell since his retirement from the U.S. Supreme Court. Commentators are referring to the ""Powell Court'' because he was often the swing vote, siding with the majority in dozens of five-to-four votes.

But few if any of those votes or opinions concerned matters of national survival. Most were just hard cases to call, where reasonable men could split almost 50-50 in deciding which side justice was on.

Lewis Powell's most important writing, however, was one he produced before he went on the high Court. It concerned an issue of overriding national significance, and it has stood the test of time. It's a pity that it received little publicity when it was written and was never referred to in the hundreds of column inches written about him in recent weeks.

In 1970, President Nixon appointed a Blue Ribbon Defense Panel to report on the balance of strategic military power. After studying this subject for a year, seven members of that Panel became so alarmed about the deteriorating state of U.S. defenses that they signed a 35-page ""Supplemental Statement.''

Those seven were some of the most prestigious businessmen in the country at that time: William P. Clements, Jr. (now Governor of Texas), George Champion (former president of Chase Manhattan Bank), Hobart D. Lewis (then president of the Reader's Digest Association), William Blackie of Peoria, John M. Fluke of Seattle, and Wilfred J. McNeil of New York City.

The seventh was Lewis F. Powell, past president of the American Bar Association and soon to be appointed a Supreme Court Justice. It was widely known at the time that Powell was the draftsman of this startling and eloquent Supplemental Statement.

This Statement described the shifting of the strategic military balance against the United States and in favor of the Soviet Union. ""In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBMs, the principal weapons system of the nuclear age.''

The Statement warned that, ""if these observable trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.'' Second-rate status for the United States in the nuclear age means that our inferiority ""multiplies the chances -- not of peace -- but of nuclear war.''

""The situation which our country faces is without precedent,'' the seven businessmen continued. ""The strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability.''

""But there is no longer any certainty,'' the Statement said, ""that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability and which is moving rapidly into the role of the world's dominant military power.''

The seven prominent business and professional leaders expressed dismay that ""many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.''

The Supplemental Statement concluded: ""Unless the American people wish to accept irrevocably the status of a second-rate power -- with all of the probable consequences -- the only viable national strategy is to regain and retain a clearly superior strategic capability. The margin of our overall strategic strength must be

sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation.''

The seven prominent men concluded with a most eloquent reminder, which should be committed to memory by every schoolchild. ""The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S. -- of its military capability and its will -- could be the gravest threat to the peace of the world.''

When America's poet, Henry Wadsworth Longfellow, immortalized the midnight ride of Paul Revere, the closing verses expressed a national faith that, ""through all our history, to the last, in the hour of darkness and peril and need, the people will waken and listen to hear.''

Will the American people waken and listen to hear the ominous warnings of Lewis Powell in his most important writing?