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Harrison to announce retirement, sources say

By Jerry Lazarus
Times-Dispatch Staff Writer

Justice Albertis S. Harrison Jr. will shortly announce his resignation from the Supreme Court of Virginia, sources told The Times-Dispatch yesterday.

Harrison, a former governor and conservative Democrat from Southside Virginia, began his 10th year on the bench in October.

Reached yesterday, Harri-

son said he was not resigning from the court but added that if he had plans to step down, he would notify the governor first before making any announcement.

Gov. John N. Dalton and Gov.-elect Charles S. Robb, both in Williamsburg, said they had heard something of Harrison's plans. Robb said that Harrison was the one to make any such announcement, though.

The announcement is expected to come next week and the retirement to take effect next month to allow the Democrat-controlled General Assembly to appoint his successor. It has been expected for some time. Harrison will be 75 on Jan. 11, the mandatory retirement age affecting him since he was named to the court before July 1, 1970. Justices appointed after that date must retire at age 70.

Timing important

The timing of the announcement was considered the only uncertain point. Had Harrison chosen to retire before the next regular legislative session convened, Republican Gov. John N. Dalton would have been entitled to

make an interim appointment to the bench.

Speculation on his successor is already rife. Possibly topping the list is William R. Spong Jr., 61, former U.S. senator, current dean of the College of William and Mary law school and a former law partner of Lt. Gov.-elect Richard J. Davis.

Spong also has been men-

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Sources say Harrison will announce retirement

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 tioned as a possible Democratic candidate for retiring Sen. Harry F. Byrd Jr.'s seat. But sources at the state Capitol and in Williamsburg say Spong would prefer a seat on the state Supreme Court. Colleagues of Spong's say privately that he has been approached in recent weeks to see if he would be interested in filling a coming court vacancy. Spong has not returned phone calls from reporters inquiring about his plans.

But there are others on the list of potential successors, particularly some of those disappointed when the legis-

lature chose Roscoe B. Stephenson Jr. of Covington to succeed Chief Justice Lawrence W. I'Anson last year.

Former Lt. Gov. Henry Howell and circuit judges Marvin F. Cole of Richmond, Charles S. Russell of Arlington, Nelson T. Overton of Hampton, Douglas M. Smith of Newport News and Austin E. Owen of Virginia Beach were among those considered last year before Stephenson was chosen. Another judge, Thomas R. McNamara of Norfolk, was mentioned as well last time.

Nor can someone from Southside be ruled out. A na-

tive and lifelong resident of Lawrenceville, in Brunswick County, Harrison provided a justice from that area of the state and geographic balance on the court may be a point the legislature would take into consideration.

The court Harrison has served on has had a reputation for being conservative in its opinions, and most observers believe he fit well into that type of court.

Harrison was the first ex-governor to be appointed to the state's highest court since 1811. Gov. Mills E. Godwin Jr. named him in 1967 to succeed Justice C. Vernon Spratley of

Hampton.

Over the course of a 30-year political career in Virginia, Harrison rose slowly but surely through the ranks of elective office, moving from the commonwealth's attorney's office in his home county to the governor's mansion in Richmond.

A 1928 graduate of the University of Virginia Law School, Harrison served for a period as town attorney of Lawrenceville and for 14 years as commonwealth's attorney for Brunswick County after winning his first election in 1934.

In 1948, he was elected to

the state Senate from the area and served 10 years. He ran successfully for attorney general in 1958, but resigned in 1961 to successfully run for governor.

As governor, Harrison strongly emphasized improvements in education and industrial development. The beginnings of the community college system and the creation of new centers for technical education, new highways, increased industry and improvements to Virginia's ports and a another system of tax collection are considered his legacy.

Editor's note: Times-Dis-

patch staff writers Joseph Gatins, Mike Grim, Wilford Kale and Ray McAllister contributed to this story.