

Senate Sets Monday Vote On Confirmation of Powell

12-4-71
By John P. MacKenzie
Washington Post Staff Writer

The Senate took up the Supreme Court nomination of Lewis F. Powell Jr. last night and agreed to vote on his confirmation at 4 p.m. Monday.

Resisting Republican pressure to consider first the more controversial nomination of William H. Rehnquist, Majority Leader Mike Mansfield (D-Mont.) made the Powell nomination the Senate's pending business shortly before last evening's adjournment.

Mansfield scheduled a Saturday session for discussion of Powell, the 64-year-old Richmond attorney who has no apparent opposition as the replacement for the late Associate Justice Hugo L. Black.

The Monday vote will be followed immediately by a lengthy debate over Rehnquist, an assistant attorney general whose record on civil rights and civil liberties issues has drawn the fire of Senate liberals.

Sen. Birch Bayh (D-Ind.), leader of the successful fights against two previous Nixon administration nominees to the court, promised a "proper, legitimate, reasonable and dignified" floor battle. He said Powell could have been confirmed three weeks ago "if there had not been a determined effort to tie these two nominations together."

Opponents estimated their strength at about two dozen senators—not enough to sustain a filibuster but sufficient

to consume two to four days of the waning congressional session.

Bayh has disclaimed any desire to filibuster against Rehnquist, but he has claimed that it will take some time to explain what he called Rehnquist's "hostility" to human rights.

Rehnquist, 47, nominated to replace retired Associate Justice John Marshall Harlan, has been criticized for opposing a 1964 public accommodations ordinance in Phoenix as an infringement on property rights and for declaring in 1967, "We are no more dedicated to an 'integrated' society than we are to a 'segregated' society."

In addition, his speeches and congregational testimony on administration policies toward radicals, accused persons and the surveillance powers of the federal government have been criticized.

Rehnquist's supporters contend that he is totally committed to the advancement of human rights, that he performed as an able advocate of administration policy and that he possesses undisputed intellectual ability.

Minority Leader Hugh Scott (Pa.) congratulated Mansfield for his "solution" to the long-simmering dispute over scheduling. Scott added, however, that he would have preferred to consider Rehnquist first.

Scott said GOP senators accepted Mansfield's decision without a fight in order to

avoid a skirmish over a side issue. The Senate Judiciary Committee cleared Rehnquist's nomination first although Powell is slated to be the senior of the two justices.

Sen. Edmund S. Muskie of Maine, the front-running contender for the Democratic presidential nomination, announced yesterday that he will vote against Rehnquist, saying he "exalts the powers of government over the rights and liberties of the individual."