

Percy Can't Find 'No' Vote Pair

No Senate Opposition to Powell Seen

12-5-71
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The Supreme Court nomination of Lewis F. Powell Jr. yesterday appeared so assured of unanimous confirmation that it frustrated one senator's attempt to register his favorable vote.

The Senator, Charles H. Percy (R-Ill.), addressing a small audience during a Saturday session devoted to discussion of Powell, said he must be away from Washington during the vote Monday on the 64-year-old Richmond lawyer.

Therefore, Percy said, he had looked for a senator who planned to vote against Powell, so they could cancel each

other's votes by announcing a "pair."

But Percy said he could find no one against the nomination.

Minority Leader Hugh Scott (R-Pa.) also forecast a unanimous vote for Powell and said it would be followed a few days later by a lopsided victory for the contested nomination of William H. Rehnquist.

Scott claimed as many as 73 votes for Rehnquist, 47, the assistant attorney general who is opposed on the basis of his record on civil rights and civil liberties. Opponents are claiming about 25 votes but they say their numbers will increase during debate.

A simple majority of members voting, or one more than

half, is required for confirmation. Opponents would need the solid support of one-third the Senate to keep the debate going indefinitely (they disclaim any intent to filibuster) or force postponement of a vote until 1972.

Sen. Roman L. Hruska (R-Neb.), eager to clinch confirmation for Rehnquist, complained that excessive time was being devoted to Powell's nomination. No unopposed nominee had ever had so much Senate floor time devoted to "extolling his virtues," Hruska said, but it gives Rehnquist's foes "a little more time."

Sen. Birch Bayh (D-Ind.) and other Rehnquist opponents

have pressed repeatedly for a prompt vote to confirm Powell, but Republicans sought to keep the two nominations paired as long as possible.

Hruska lauded Powell as a Virginia lawyer in the tradition of Chief Justice John Marshall.

Sen. William B. Spong (D-Va.) said the Powell nomination shattered the notion that "a Southerner could never be confirmed to a seat on the Supreme Court."

Sen. Harry Flood Byrd Jr. (Ind.-Va.) reaffirmed his support Friday night for Powell, who would replace the late Associate Justice Hugo L. Black. Rehnquist would replace retired Associate Justice John Marshall Harlan.